

MHKO050015892022 	<u>Regular Civil Suit No. 158/2022</u> <u>Vandana Textiles Prop. Sou. Sunita A. Goenka</u> <u>Through T. K. Parik</u> <u>Vs.</u> <u>Shashikant Soma Nandai.</u>
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Order Passed Below Exh.27

Defendant has filed second application to set aside “No cross order” order passed on 20/12/2024 and permit him to conduct cross-examination. The plaintiff has strongly resisted the prayer of defendant by filing his say. Perused the application and say. Heard Ld. Pleaders for both the parties.

2. Ld. Advocate of defendant has argued that, on 03/02/2025 defendant was filed application for setting aside no cross order dated 20/12/2024 below Exh. 25 and said application allowed subject to cost of Rs.200/- on 04/03/2025. Defendant further contended that, defendants inadvertently failed to conduct cross-examination and also failed to paid cost amount. After that on 21/08/2025 again “no cross” passed. Hence, prayed to granting the relief sought by him by considering the reasons given in the application. On the other side, Ld. Advocate of plaintiff has argued that, defendant had not present before the court. No cogent reason is stated in the application for delay as well as not paying cost amount and conducting cross-examination in-spite of availing sufficient time. The defendant has given sufficient opportunity to conduct cross, but he deliberately prolonged the

matter hence, prayed for rejection of the present application with costs.

3. After considering the argument advanced by the both parties. Considering the application made by the defendant from which appeared that, in application he has assigned the reasons. After perusing record of the case from it appears that the plaintiff filed his evidence affidavit on 06/07/2024. After that, matter was proceed for the cross-examination on 06/08/2024, 25/09/2024 and 06/11/2024. After that, matter was proceed without cross-examination. The Court has permitted to conduct cross-examination after passing order below Exh. 25 on 04/03/2025. Since then, neither advocate of defendant nor defendant appeared before court to comply with order Exh. 25. Matter was adjourned for the paying cost amount for at least 9 months. So as per record the defendant has got sufficient opportunity to appear and conduct cross-examination. After considering delay caused at the hands of defendant the matter was again proceed without cross-examination and evidence of the plaintiff was closed by the plaintiff.

4. The plaintiff has been present on each and every date to conduct the matter. As matter was proceed for final argument then defendant came and filing this application. From the conduct of the defendant it appears that he is deleberately prolonging the matter. Moreover, the reason assigned in the application for not conducting cross-examination and non-appearance are very formal. The reason assigned in the application is not justifiable. Therefore, the present application is not deserves to be allowed. Considering above facts and circumstances and in the interest of justice, I pass following order.

:: O r d e r ::

1. Present application is hereby rejected.
2. Matter is kept for final argument.

Ichalkaranji
Date :- 20/06/2026

(A.M.Gaikwad)
3rd Joint Civil Judge, J. D.,
Ichalkaranji, Dist. Kolhapur.