

MHKO050021852022



PWDVA No.70/2022

Lata V/s. Amar

**Order passed below Application Exhibit -27**

(1) This is a petition filed under the provisions of P.W.D.V. Act. By filing present application, the learned counsel for the N.A. prays that, no cross order be set aside and N.A. be permitted to conduct the cross-examination.

(2) Regard must be had that already at the insistence of N.A., already identical prayer was allowed on 25/09/2023 while deciding Appln.Exh.No.19.

(3) Present Appln. is filed on 16/12/2023. Ld.Adv. for the Applicant has not filed his say on this Appln.

(4) If permission, as sought is granted, no prejudice would be caused to the Applicants; on the contrary, if conducted the cross-examination, said aspect definitely help the court to arrive at right conclusion and to render the just decision. In an adversarial system, no party should ordinarily be denied the opportunity of participating in the process of justice dispensation. No doubt the litigation like of present needs expeditious and early disposal; still for complete and effective adjudication, opportunity needs to be given to the party, who is supposed to suffer thereby. Our laws of procedure are grounded on a principle of natural justice which requires that no one should be condemned unheard and that he should not be precluded from participating in the cause. As regards the delay, it can be taken care by imposing certain costs. Hence, in the interest of justice, I pass the following order :-

**ORDER**

(1) Application Exh.No.27 is allowed subject to costs of Rs.1500/- payable to the Applicants, with following conditions :-

- (a) Payment of costs as imposed shall be condition precedent to conduct the cross-examination. Costs as imposed to be paid today only.
- (b) On next adjourned date without fail to conduct the cross examination.

sd/-

(Ganesh A. Ghule)  
J.M.F.C., Ichalkaranji.  
JO Code : 2594.

Date : 20/01/2024.

**प्रमाणपत्र**

मी अशी खात्री देते की, सदर पी.डी.एफ. संचिकेमधील मजकुर मुळ न्यायानिर्णयाप्रमाणे / आदेशा प्रमाणे प्रत्येक शब्द बरोबर आहेत.

लघुलेखकाचे नाव	श्री. संकेत संजय भोपळे
न्यायालयाचे नाव	३रे सह दिवाणी न्यायाधीश क.स्तर व न्यायदंडाधिकारी वर्ग १, इचलकरंजी.
आदेश दिनांक	२०/०१/२०२४
पिठासिन अधिका—यानी स्वाक्षरी केलेला दिनांक	२०/०१/२०२४
आदेश/न्यायनिर्णय अपलोड केलेला दिनांक	२०/०१/२०२४