

MHKO050022992014



ORDER BELOW EXH. 49 IN R.C.S. NO. 71/2014

1. Perused the application.
2. This is an application filed by defendant nos. 3 to 8 to set aside no-cross order passed against them. The defendants have submitted that, as their advocate was absent due to his family problem, hence, they failed to cross-examine the plaintiff. The defendants deliberately did not cross-examine the plaintiff. Lastly, the defendants have submitted to allow the application.
3. The plaintiffs have resisted the application by filing their say at Exh. 50. The plaintiffs have contended that the application is false and frivolous. The defendants have not filed medical documents regarding illness. The defendants have taken sufficient opportunities. The application is filed with intention to cause delay. Therefore, the application is liable to be rejected and hence it may kindly be rejected. If, court come to the conclusion to allow the application, then, compensatory cost of Rs. 10,000/- be saddled upon them.
4. Perused record. Heard Learned Advocates for parties. It reveals from record that, present suit is filed for permanent injunction. The defendants have filed their written statement and resisted the suit. Considering the nature of suit, it is necessary to give a fair chance to

defendants to defend the suit on merit. No prejudice would be caused to any party if the application would be allowed. If the defendants are permitted to cross-examine the plaintiffs, then, it would be helpful for the final adjudication of the suit on merit. But, as the defendants are at fault, hence, it would be proper to award certain costs against the defendants. In the result, following order is passed.

ORDER

1. Application is allowed subject to costs of Rs. 200/- payable by defendants to plaintiffs.
(Dictated and pronounced in open court.)

Date -: 28/11/2019

(Smt. A. S. Jadhav)
3rd Jt. Civil Judge Junior Division,
Ichalkaranji.

I affirm that the contents of this P.D.F. file Judgment/ Orders are same, word to word, as per the original Judgment / Order.

Name of stenographer	D. B. Honkalase
Name of Court	Sou. A. S. Jadhav, 3 rd Jt. Civil Judge Jr. Div., Ichalkarnaji.
Date of Dictation	28/11/2019
Order signed by P.O. on	28/11/2019
Order uploaded on	30/11/2019