

MHKO050022992014

Regular Civil Suit No.71/2014

Vandana Vajir Kamble

Versus

Ullhas Dattatraya Suryawanshi

Order below Exh.71

By this application, the plaintiff prayed to set-aside the 'No Cross order' passed against him on 24/03/2025. Defendant filed his Say below the application.

02. Perused the application and considered the submissions made.

03. Ld. Advocate for the plaintiff submitted that the delay caused for conducting cross-examination was not intentional. As the plaintiff was suffering from ill-ness, he was unable to meet his advocate and provide necessary information and documents.

04. The Ld. Advocate for the defendant submitted that the plaintiff has deliberately tried to delay the matter. The witness is present on every date and yet the plaintiff failed to conduct cross-examination. Hence, prayed that the application be rejected with heavy cost.

05. On perusal of the record and considering the submissions made, it appears that plaintiff was given sufficient opportunity to conduct the matter positively, however, for the reasons best known to the parties cross-examination did not conducted on fixed date and no "no cross order" passed against the plaintiff. However, through the present application, the plaintiff has expressed his willingness to

conduct the cross-examination. To ensure fair trial, opportunity to conduct the cross-examination is given to the plaintiff as last chance. At the same time hardship and inconvenience caused to the defendant cannot be ignored. Hence, the following order is passed;

ORDER

- (i) The application at Exh.71 is allowed.
- (ii) The 'No Cross Orders' passed against the plaintiff is hereby set-aside. He is permitted to cross-examine the defendants witness, subject to payment of costs of Rs.300/- to the defendant.

Place : Ichalkaranji.
Date : 01/10/2025.

Sd/-
(M.S. Gawade)
5th Jt. Civil Judge Junior Division,
Ichalkaranji.