

MHKO050055702019 	Regular Civil Suit No.426/2019 M. K. Yarns (HUF) Vs. Madukar Baburao Musale
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Order Passed Below Exh.29

Defendant has filed present application to set aside “No cross order” order passed below Exh.23 on 20/07/2024 against him. The plaintiff has strongly resisted the prayer of defendant by filing his say below same. Perused the application and say. Heard Ld. Pleaders for both the parties.

2. Ld. Advocate for defendant has argued that, due to non-availability of documents and information he was unable to conduct cross-examination and 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 deliberately had not taken cross-examination and hence, prayed for rejection of the present application and also prayed if application be allowed on 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. If the present suit is ordered to be proceeded without no cross of defendant, then defendant would not be in a position to set up his valid defence. Therefore, in order to decide the real controversy between the parties, opportunity of being heard is essential to be given to the defendant. If defendant is denied to conduct cross, then grave injustice would be caused to him. Considering above facts

and circumstances and in the interest of justice, I pass following order.

:: O r d e r ::

1. Present application is allowed.
2. “No cross ” order passed against defendant stands set aside.

Ichalkaranji
Date :-28/07/2025

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