



REGULAR CIVIL SUIT No. 30 / 2016
(Deepak Koli & ano. Vs. Prakash Koli & oth.)
ORDER ON EXH. 45

Vide this application, defendants are requesting for setting aside no-cross order passed against them. Say of plaintiff is overleaf the application.

02. This application is pending since 12.02.2020. None present for any of the parties when called out. The suit is old one and pending for hearing on this application since long. Thus this application is taken up for hearing based on merits in the proceeding.

03. Perused application and say. Also perused record and proceeding. At the outset, it is required to mention that defendant Nos. 1, 2, 3 and 6 are being represented by learned Advocate Shri P.S.Kale and defendant Nos. 11, 12 and 13 are represented by learned Advocate Shri A.I.Jadhav. It is worth mentioning that suit proceeded without written statement of these defendants, whereas *exparte* against rest of the defendants.

04. Plaintiffs examined P.W.Nos. 1 and 2 at Exh. 39 and 44 respectively. Since defendants failed to cross-examine both of them, no-cross orders were passed and evidence of both PWs was closed without cross-examination by any of the defendants. Vide this application, there is no mention as to which witness of plaintiff is intended to be cross-examined by defendants.

05. According to this application, parties neither approached their advocate nor given proper instructions, and therefore cross-

examination could not be conducted. Also as earlier discussed, defendants or their advocates have not pursued this application since long. The contentions in application as well as circumstances on record clearly goes to show the casual and reluctant approach of defendants.

06. In all, I do not find any satisfactory reason to allow this application. Accordingly following order.

ORDER

Application is rejected.

Civil Court, Jaysingpur
Date :- 20.04.2022

(**Anand D. Karbhajan**)
Jt. Civil Judge (Junior Division),
Jaysingpur, Tq. Shirol, Dist. Kolhapur