

MHKO070009872016



ORDER PASSED BELOW EXH.27

1. By way of this application defendant No.2 has prayed to set-aside no cross order passed against him.

2. Plaintiff has filed his say and opposed to allow this application contending that, affidavit of examination-in-chief is filed by plaintiff dtd. 1/2/2019. In spite of sufficient opportunity given, defendant has failed to take cross examination and hence, no cross order was passed. Therefore, he prayed for rejection of application. Alternatively he contended that, if application is to be allowed cost of Rs. 3,000/- be imposed on defendant.

3. Heard both side gone through record. From perusal of record and Roznama it appears that, affidavit is filed by plaintiff on 1/2/2019 and no cross order was passed on 5/4/2019. Thereafter, immediately on next date application was filed by defendant to set-aside no cross order. Defendant is ready to conduct cross examination today itself. Considering reasons stated by defendant and fact that he has moved this application immediately, is concerned and in order to give

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opportunity to defendant to cross examine of plaintiff, no cross order is required to be set-aside. Hence following order.

ORDER

1. Application is allowed.
2. No cross order passed against defendant is hereby set-aside.

Dt.: 09.09.2019.

(K.G. Sawant)
Civil Judge Senior Division,
Jaysingpur.