


MHKO080005932021 	<u>Order below Exh.16 in Civil Misc.Appln.No. No.38/2021</u> Rupali Kamble .. Applicant Vs. Sunil Kamble .. Opponent
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The opponent filed this application for permission to cross examine the applicant after setting aside “No Cross” Order. It is mentioned in the application that, on last date, the opponent was suffering from fever and due to it, he could not attend the Court. So also, his advocate was busy in other Court. Therefore, “No Cross” order came to be passed against the opponent. The opponent did not deliberately avoid to cross examine the applicant. Hence, prayed that “No Cross” order be set aside and he be permitted to cross examine the applicant.

02. The applicant filed her say on the overleaf of the application and contended that, the application is false. No medical certificate is produced on record. Therefore, the applicant prayed for rejection of the application.

03. Heard both parties. Perused the record.

04. It is always desirable to decide the matter on merit. Right to cross examine is valuable right. Therefore, in my opinion, an opportunity need to be given to the opponent to cross examine the applicant. At the same time, the applicant is required to be compensated by way of costs. Therefore, present application deserves to be granted. In the result, I pass following order:

ORDER

- 1) Application is allowed.
- 2) 'No Cross' order dt.14/09/2022 passed below Exh.15 against the opponent is set aside subject to payment of costs of Rs. 100/-(Rs. One Hundred only) by opponent to the applicant.
- 3) The applicant shall remain present in the Court on the next date for the cross examination.

Date:-29/09/2022

(A.R. Ubale)
District Judge-2
Gadhinglaj.