


MHKO080005932021 	<p style="text-align: center;"><u>Order Below Exh. 20 In Civil Misc.</u> <u>Appln.No.38/2021</u></p>
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The opponent has filed this application for setting aside 'No Cross' order passed below Exh.15 with permission to cross examine the applicant.

02. The applicant objected the application on the ground that despite sufficient opportunity, the opponent has failed to proceed with the matter. On 14/9/2022 'No Cross' order came to be passed against the opponent. Subsequently, the opponent got set aside 'No cross' order but failed to deposit the costs amount. Therefore, present application be rejected.

03. Perusal of record reveals that, as the opponent failed to cross examine the applicant, 'No Cross' order came to be passed against him on 14/09/2022. The said application came to be granted subject to payment of costs of Rs.100/-. However, the opponent failed to deposit that cost amount and the applicant closed her evidence by filing pursis below Exh.18. Subsequently, the opponent deposited the costs amount on 19/01/2023 and thereafter moved present application.

04. Record reveals that opponent is negligent in proceeding with the matter which caused unnecessary harassment of the applicant. At the same time, it may be noted that, right to cross examine is valuable right,.; Therefore last opportunity need to be given to the opponent to cross examine the applicant. At the same time, the applicant is required to be

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compensated by way of costs. Therefore, present application deserves to be granted. In the result, I pass the following order.

Order

1) The application is allowed.

2)The opponent is permitted to cross examine the applicant subject to payment of costs of Rs.500/- (Rs.Five Hundred only) payable to applicant.

Gadhinglaj.
Date:- 02/03/2023

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

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