



ORDER PASSED BELOW EXH.22
IN REGULAR CIVIL SUIT NO.66/2021

[CNR No.MHKO090001412021]

The present application is filed by defendant no.4 for setting-aside No-cross order passed on the evidence affidavit of plaintiff on the ground that defendant intentionally not avoided to take the cross-examination. In the meantime, the defendant no.4 was ill, therefore, could not attend the proceeding. Thus, he be permitted to cross-examine the witness.

2. The present application is opposed by the other side and requested to award cost.

3. Heard both the sides. Perused the proceeding. The matter is near-about 5 years old. The plaintiff no.1 has filed his affidavit of examination-in-chief vide Exh.20 on 08.04.2025. In spite of giving sufficient opportunity, defendants failed to cross-examine the witness, therefore, the No-cross order was passed against the defendants on 18.11.2025. Admittedly, the defendant was not attentive, therefore, No-cross order was passed. Defendant also not submitted any sufficient reasons. Thus, in such circumstances, the application is liable to be rejected. However, it is necessary to give a fair chance to the other side. Therefore, it will be just and proper to grant one opportunity to the defendant

no.4 to cross-examine the plaintiff. As regard delay is concerned, cost need to be imposed on the defendant no.4, so as to the defendant no.4 will be vigilant in future. Thus, I pass the following order :-

ORDER

- 1] The No-cross order passed below the evidence affidavit of plaintiff no.1 at Exh.20 on 18.11.2025 against the defendant no.4 is hereby set-aside subject to the cost of Rs.500/- (In Words Rupees Five Hundred Only) payable to the plaintiff no.1.
- 2] On next date, the defendant no.4 shall cross-examine the witness without fail, otherwise the necessary order will be passed.

Place : Gadhinglaj.
Date : 16.02.2026.

(N. S. Puri)
Civil Judge Senior Division,
Gadhinglaj