

Order below Exh.40

1. Read application and say. Heard. Perused the record. On perusal it reveals that, the plaintiff has filed his affidavit of examination-in-chief on 14/10/2014. Thereafter matter was pending for cross examination of the plaintiff. Despite of sufficient opportunities, defendants failed to take cross-examination of the plaintiff Hence today i.e. on 27/09/2018 'No Cross' order was passed against the defendants. After passing 'No Cross' order, the defendants have moved this application for setting aside 'No Cross' order by stating that, their advocate was out of station, therefore he couldn't attend the Court proceeding. Hence they prayed to set aside 'No Cross' order dated 27/09/2018.
2. On the other hand the Ld. counsel for the plaintiff has not objected the application and prayed to allow the application.
3. On perusal of the record it reveals that, the suit is filed for permanent injunction against the defendants. The defendant No.1 has filed it's written statement at **Exh.19** and denied the contentions of the plaintiff. Considering the nature of the suit, it is necessary to give an opportunity to the defendants for cross-examination of the plaintiff, which can help to decide the matter on merits. Hence 'No Cross' order dated 27/09/2017 needs to be set aside. Hence I pass the following order.

ORDER

- 1) The application is hereby allowed.
- 2) 'No Cross' order dated 27/09/2017 is hereby set aside.
- 3) The defendants are directed to take cross-examination of the plaintiff accordingly.
- 4) Both parties are directed to proceed further without taking unnecessary adjournment.

Peth-Vadgaon
Date : 27/09/2018

Sd/-
(J. S. Gaikwad)
Jt. Civil Judge Jr. Dn., Peth-Vadgaon

I affirm that the contents of the P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer	Sou.K.S.Gaikwad
Name of the Court	Smt.J.S.Gaikwad, Jt.Civil Judge Jr.Dn., Peth-Vadgaon
Date of Dictation	27/09/2018
Judgment signed by the P.O. on	27/09/2018
Judgment uploaded on	27/09/2018