

MHKO120002862009



Reg. Civil Suit No.48/2009

(CNR No.MHKO120002862009)

Order below Exh.100

Perused the application and say filed. Heard both sides. The plaintiff filed the present application for setting-aside No-cross order. According to the plaintiff, due to appointment of new advocate, he is unable to take cross examination of defendant's witness and 'no cross' order was passed against him. Hence he prayed to set aside 'No Cross' order passed against him. Defendant filed his say on the leaf of the application and submitted that, in order to delay the matter, plaintiff deliberately avoided to take cross examination of defendant's witness. Hence he prayed to reject the application.

02. Upon perusal of record. It appears that, the plaintiff failed to take cross examination of the defendant's witness within stipulated period. Considering the nature of suit, interest involved in it and considering the reasons stated in the application, fair chance needs to be given to the plaintiff to defend the case against him. Accordingly, I pass following order.

ORDER

No Cross order against the plaintiff is hereby set-aside subject to cost of Rs.300/- (Rs.Three Hundred Only) payable to the defendant before next date.

Date : 13/02/2024

Sd/-
(V.B.Mulla)
Civil Judge Junior Division,
Gargoti