

MHKO130008662013	<u>R.C.S. No. 189/2013</u>
	<u>Ranjit Ramrao Sawant</u> <u>Vs.</u> <u>Vasantrao Ganpatrao Sawant and 4</u>

ORDER BELOW EXH. 68.

1] Defendant no.1(a) has filed this application for setting aside the No cross order & seeking permission to take cross-examination of the plaintiff.

2] Perused the application and say filed by the plaintiff. Heard both the sides. Defendant no.1(a) has failed to take cross examination of the plaintiff. Plaintiff has filed suit for partition and perpetual injunction. Considering the reliefs sought and considering the nature of suit, it is necessary to give the opportunity to the defendant to cross-examine the plaintiff for proper adjudication of the suit and for just decision. No reason to disbelieve the grounds. Moreover, the defendant no.1(a) has to be given an opportunity to cross-examine and contest the suit.

3] More importantly, it appears that plaintiff has closed his evidence on 14/11/2025 vide pursis Exh.62 thereafter evidence of defendant is closed on 04/03/2026. Thereafter, present application has been filed. Considering the delay caused and oldness of the matter, in the interest of justice it is just and proper to impose cost on the defendant. Hence I proceed to pass the following order:-

<u>ORDER</u>	
1.	The application is allowed.
2.	No cross order passed below Exh.58 against defendant no.1(a) is hereby set aside subject to cost of Rs.800/- [Rs. Eight Hundred Rupees only] which is payable to plaintiff.

Kagal.
Date :- 02/07/2026.

(Pranita S. Patil)
Jt. Civil Judge Jr. Dn. Kagal.