

Order passed below Exh. 48 in Reg. Civil Suit No. 125/2010.

1 Through this application the defendant prayed to set aside no cross order.

2 Perused the application.

3 It is the submission of the defendant that on last date the advocate for the defendant was not present due to personal work. The application also given on the behalf of the defendant but said application was rejected by Court and therefore no cross order is passed. Due to personal difficulty the advocate for the defendant remain absent on that date, therefore it is necessary to set aside the no cross order. In order to decide the matter on merit, the application may be allowed.

4 The advocate for the plaintiff filed his say at exh. 49. He strongly objected and submitted that the application is false. The plaintiff filed affidavit of examination-in-chief on 11/01/2016 but the defendant intentionally prolonge the matter and take various adjournment on same ground. The application below exh. 45 is granted subject cost of Rs. 200/-. Lastly he prayed to reject the application with cost.

5 I have given thoughtful consideration to the submission made before me by learned respective advocates. The valuable rights of the parties are involved in the suit. There appears justifiable reason for not taking cross examination. In case defendant is permitted to take a cross examination it will not cause any prejudice to the plaintiff. On the contrary defendant has get an opportunity to take cross examination, therefore, suit will be disposed of on merits considering the rights of the parties. Considering discussed aspect, I am inclined to allow the application with some compensatory cost payable to plaintiff. Resultantly following order.

ORDER

1. No cross examination order against defendant is hereby set aside subject to payment of cost of Rs.500/- payable to plaintiff on or before next date.

Sd/-

(D.M. Gaikwad)
Judicial Magistrate, First Class
Chandgad.

Date: - -13/08/2018.