

ORDER BELOW EXH- 41.

Defendants have filed this application for setting aside no cross order pass against them. It is contention of defendants that, on last date defendant no.2 was out of station and therefore could not able to provide information to his counsel. Their application for an adjournment was rejected and no cross order was passed against them. For proving their defence, they have permitted to cross-examine plaintiff. If their application allowed, no prejudice would be caused to the plaintiff. Thus, prayed to allow their application.

2. Counsel for plaintiff endorsed his say corner side of the application and prayed to pass appropriate order.

3. I have heard both counsels. They argue in verbatim of their application and say. Counsel for defendants submitted that, immovable properties were involved in present suit. Thus, prayed to allow their application. Per contra counsel for plaintiff prayed to consider conduct of defendants and pass appropriate order.

4. On perusing record it shows that, plaintiff filed his evidence affidavit on 23.01.2023. Thereafter, more than sufficient opportunities were granted to defendants and in last no cross order was passed. The cross-examination is indeclinable right of every party. The defendants are ready for cross-examination. This is suit for injunction. No prejudice would be caused to the plaintiff, if application allowed. Per contra if it rejected it will amount declined of natural right to defendant. Thus, in

result of above discussion in the interest of justice, I pass following order,

ORDER

1. Application is allowed subject to cost of Rs. 500/- paid to plaintiff.
2. Defendants are directed to cross-examine plaintiff on next date without fail.
3. Parties to take note and proceed further.

(R. P. Thore)

J.O.Code No.MH02897

Civil Judge, Junior Division,

Ajara.

Place- Ajara.

Date- 24.03.2025.

