

R.C.S. No. 18/2015.  
Balaku Vs. Dhondiba & Ors.  
MHKO150000912015

**ORDER BELOW EXH- 87.**

Defendant no. 3 has filed this application in favour of all defendants for setting aside no cross order pass against them. It is contention of defendants that, due to personal difficulty of their counsel, he could not present before the court. Therefore, they have filed an application for adjournment, which was rejected and no cross order passed against them. They having sanguine hope of success and present suit is related with immovable property. There is requirement of cross-examination of P. O. A of plaintiff. Thus, prayed to in the interest of justice prayed to set aside order and allow them to cross-examine witness.

2. Plaintiff filed his say and contended that, he is old age person. The reason sought by defendants is not justifiable and application deserved to be rejected. Further, if this court is an opinion that, application need to be allowed prayed to impose heavy cost.

3. Perused record. Heard counsel from both sides. They argue in verbatim as per their application and say. I have gone through the record with the help of both counsels. This suit is pretty old and as per record on 05.03.2024 plaintiff P. O. A. filed his affidavit on record. On 12.11.2024 no cross order was passed against this defendant. Previously, more than sufficient opportunities were granted to these defendants, but they failed. Therefore, I do not find any merit in the contention of these defendants about their difficulties.

4. This suit is for declaration, possession and injunction. Valuable right in respect of immovable property of both parties involved in it. No prejudice would be caused to the plaintiffs, if application allowed. At the same time, the delay caused by these defendants need to be compensated by imposing cost. Hence, in the interest of the justice, I pass following order,

**ORDER**

1. Application is allowed subject to cost of Rs. 500/- paid to plaintiffs.
2. Defendants to comply order on or before next date and cross-examine without fail.
3. Plaintiffs are directed to remain present their witness on next date without fail.
4. Parties to take note.

Place- Ajara.  
Date- 10.12.2024.

**( R. P Thore)**  
J.O.Code No.MH02897  
Civil Judge, Junior Division,  
Ajara.