

R.C.S. No. 84/2013.
Ravindra Vs. Sarika & Ors.
MHKO150002172013.

ORDER BELOW EXH- 86.

Defendants have filed this application for setting aside no cross order pass against them. It is contention of defendants that, due to non availability of material information and documents their counsel could and in result no cross order passed against them. In the interest of justice, said order need to be set aside for availing their valuable rights. If this application rejected they would suffer irreparable loss. Thus, prayed to allow application.

2. Counsel for plaintiff endorsed his say backside of the application. However, he not signed the same.

3. Perused record. Suit is more than 10 years old. Today, counsel for defendants is absent. Counsel for plaintiff prayed to pass appropriate order.

4. On perusing record it shows that, after granting sufficient opportunity no cross order was passed against these defendants. No any sufficient reason for delay sought by defendants. The cross-examination of witness is valuable right of every party. Denial of such right would amount denial of fair trial. Hence, one more opportunity need to be granted to these defendants. But, considering their conduct, some cost need to be imposed over them. Thus, in result I pass following order,

ORDER

1. Application is allowed subject to cost of Rs. 1,000/- paid to

plaintiffs.

2. Defendants are directed to comply order on or before next date without fail.
3. Plaintiffs are directed to remain present their witness on next date for cross-examination without fail.
4. Parties to take note.

(R. P Thore)

J.O.Code No.MH02897
Civil Judge, Junior Division,
Ajara.

Place- Ajara.

Date- 10.03.2025.

