

R. C. S. No. 63/2016.  
Nirmala Vs. Santosh & Ors.  
MHKO150002802016.

**ORDER BELOW EXH- 63.**

Perused application and say. Heard counsels for both sides. They submitted as per contents of their application and say. Both counsels are agree with the stage of proceeding.

2. This application filed for setting aside no cross order. It is contention of plaintiff that, due to difficulty of her counsel he is not able to cross-examine witness on last date. Hence, considering nature of proceeding in the interest of justice prayed to allow the same. Per contra, counsel for defendants submitted that, plaintiff despite availing sufficient opportunity failed to cross-examine their witness and therefore no cross order was passed against her. The reason sought in application at Exh.62 is not justifiable. Hence, prayed to reject the application with cost.

3. On perusing record it shows that, on 22.09.2025 defendant no.1 has adduced his evidence and on 17.11.2025 no cross order was passed. As per record, vide Exh.61 defendant adjourned the case. This is suit for partition, declaration and perpetual injunction. Considering valuable rights of both parties, opportunity deserved to be granted to her. No prejudice would be caused to defendants, if application allowed. Per contra if it rejected it will amount declined of natural right to defence and it against to the principle of natural justice. Thus, in result of above discussion in the interest of justice, I pass following order,

**ORDER**

1. Application is allowed, no order to cost.
2. Plaintiff is directed to cross-examine defendant's witness on next date without fail.
3. Defendants are directed to remain present their witness for cross-examination on next date without fail.
4. Parties to take note and proceed further.

Place- Ajara.  
Date- 22.12.2025.

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

