

ORDER BELOW EXH- 48.

Defendant has filed this application for setting aside no cross order pass against him. It is contention of defendant that, due to absence of his counsel he could not able to cross-examine plaintiff. Therefore, no cross order was passed against him. He having sanguine hope of success. If his application rejected, he would suffer irreparable loss. If his application allowed, no prejudice would be caused to the other party. Thus, prayed to allow his application.

2. Counsel for plaintiff endorsed his say at the end of first page of the application and opposed. He contended that, defendant intentionally prolong the case and the reason sought by him is not valid. Thus, prayed to reject the application.

3. I have heard both counsels. They argue in verbatim of their application and say. Counsel for defendant submitted that, rights in respect of immovable property involved in present suit. Thus, prayed to allow his 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 28.08.2024. Thereafter, on 06.02.2025 no cross order was passed against this defendant. After laps of 4 dates of proceeding defendant filed this application. The cross-examination is indeclinable right of every party. The plaintiff is ready for cross-examination. This is suit for completion of sale deed and perpetual 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. Defendant is directed to comply order and cross-examine plaintiff on next date without fail.
3. Plaintiff is directed remain present on next date for cross-examination without fail.
4. Parties to take note and proceed further.

(R. P. Thore)

J.O.Code No.MH02897

Civil Judge, Junior Division,
Ajara

Place : Ajara.

Date : 10.7.2025.

