

R.C.S. No. 107/2013.
Yashwant Vs. Arjun & Ors.
MHKO150003532013.

ORDER BELOW EXH- 99.

Defendant no. 1 & 4 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 documents their counsel could not able to cross-examine plaintiff and no cross order was passed against them. This suit for partition and perpetual injunction. Their valuable property rights involved in it. No prejudice would be caused to the plaintiff, if their application allowed. Per contra, if it rejected they would suffer irreparable loss. Thus, prayed to allow application.

2. Counsel of plaintiff filed his say at Exh. 116. He strongly opposed the application and contended that, defendants have taken adjournments and prolong the matter. If court allow their application prayed to impose heavy cost.

3. Perused record. Heard counsel for both sides. They argue in verbatim as per their application and say. I have gone through the record with the help of both counsels. As per record, plaintiffs have adduced evidence of p.w. 1 on 10.10.2023. Thereafter, sufficient opportunities were given to these defendants, but they failed to cross-examine.

4. This suit is for partition and perpetual injunction. Valuable property rights of this defendants are involved in present suit. Therefore, one more last opportunity deserved to be granted these

defendants. Further, the defendants are solely responsible for delay caused to the proceeding. Hence, in result of above discussion and in the interest of justice I pass following order,

ORDER

1. Application is allowed subject to cost of Rs.500/- paid to plaintiffs.
2. Defendants to cross-examine plaintiff's witness on 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.

Place- Ajara.
Date- 28.02.2025.



(R. P Thore)

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