


<p>MHKO160004402017</p> 	<p><u>Order below Exh.88 in</u> <u>R.C.S.NO.85/2017</u></p>
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1. Defendant no.1 has filed this application for setting-aside no cross order passed against him on Exh.62,63,64. Defendant submitted that on 19/04/2024 no cross order is passed against him on Exh.62,63,64. He further submitted that due to their personal problem, his learned advocate has not been able to remain present, and, no cross order is passed. He submitted that the application may allowed to decide the application on merit, unless, he will suffer irreparable loss and prayed to allow the application.

2. Plaintiff has given their say below the application and submitted that defendants intentionally prolong the matter. Considering, the age of suit if application is allowed heavy cost must be imposed on the defendant.

3. Heard both the learned advocates and perused all documents on record. It reveals on 19/04/2024 no cross order is passed against defendant on Exh.62,63,64. The reasons mentioned for setting aside no cross order are not satisfactory. But, for the purpose of final determination of dispute between the parties and to decide the case on merit, defendant needs to be given an opportunity to defend his case. At the same time, the delay caused by the Defendant needs to be taken into account. Considering all the facts, this court finds to grant this application. Hence, following order -

**ORDER**

1. Application Exh.88 is allowed.
2. No cross order passed against Defendant no.1 on Exh. 62,63,64 dated 19/04/2024 is hereby set-aside subject to cost of Rs.300/- to the plaintiff till next date.

**Shahuwadi**  
**Date : 04/11/2025**

**( S. D. Bagal )**  
**Jt Civil Judge, Jr. Division,**  
**Malkapur-Shahuwadi.**