



**ORDER BELOW EXH.63**

By this application, defendant no.1 seeks permission to cross-examine the defendant no.02.

2. Defendant no.1 has submitted that on 14.06.2022, the right of defendant no.01 to cross-examine defendant no.02 has been forfeited. Defendant no.01 will suffer prejudice if he is not permitted to cross-examine defendant no.02. Therefore, it is necessary to allow the application.

3. The defendant no.02 has opposed the application by filing his reply on the overleaf of the present application. It is submitted that, defendant no.01 is trying to prolong the trial of the case. Therefore, the application may be rejected with costs.

4. It must be noted that defendant no.02 has supported the claim of the plaintiff. Therefore, defendant no.01 has right the cross-examine the defendant no.02. However, because of absence of learned counsel for defendant no.01 on 14.06.2022, the right to cross-examine defendant no.02 was forfeited. It is trite that right of cross-examination is essential to bring to fore and elucidate truthful facts in respect of the controversy between the parties. Moreover, it is necessary to try the suit on merit. Therefore, permission to cross-examine the defendant no.02 needs to be granted to defendant no.01 on payment of appropriate costs for delay caused. Hence, in

view of above, I pass the following order -

**ORDER**

1. Application (Exh.63) is allowed.
2. Leave to cross-examine the defendant no.02 is granted to defendant no.01 subject to payment of cost of Rs.250/- payable to the defendant no.02.

Panhala  
Date 20.08.2024

**(D. S. Parwani)**  
Civil Judge Junior Division,  
Panhala, District Kolhapur.