

**Regular Civil Suit No.59 /2020 .**

Abhay Dhondiram Kore Vs. Chairman President Kolhapur
District Central Co Op Bank Ltd and Others 4

Order below exhibit 24.

The present application is filed by defendants for setting aside No cross order passed against them.

02. Defendant submitted that after service of suit summons they appeared and filed his written statement within stipulated period. The plaintiff has filed his chief examination affidavit . But defendant has failed to cross examine plaintiff's witness. It is submitted by the defendants that advocate for defendant is not available. Thus, they could not attend the court for cross examination of plaintiff. Meanwhile the order dated 17.10.2023 come to be passed against the defendants. The delay caused is not deliberately. Hence, they prayed to allow. Plaintiff has not filed his say to this application till today. Said application is proceed without say of plaintiff.

03. Perused the application and record of the case. Heard learned advocate for defendants. From perusal of record it appears that defendants appeared in the suit after service of summons also they have filed written statement but failed to cross examine plaintiff's witness. It seems that delay is not caused deliberately by defendant. The present application is filed on affidavit, therefore, there is no reason to disbelieve its contentions. No party ordinarily be denied to raise their claim or defence. No special circumstances appears which warrant rejection of this application. This is a Civil Suit for recovery of amount. In light of the principle of natural justice and to give fair

opportunity to parties, present application deserves to be allowed.
Hence, the following orders is passed:

ORDER

- a) Application is allowed.
- b) No Cross order against defendant is recalled.
- c) Defendants shall pay costs of Rs.200/- (Rs.Two hundred only) to the plaintiff.
- e) Defendants to cross examine plaintiff's witness on next date without fail.

Place: Panhala.
Date:25.06.2024.

Sd/-
Smt.V. R. Mane,
Jt. Civil Judge Jr. Dn., Panhala.