



**ORDER BELOW EXH.219 IN R.C.S. NO.133/2012**  
**[Sagar Yallappa Koli and Ors. v. Sagar Ramu Aambi**  
**(Deceased) Through LRs. and Anr.]**

Defendant No.2 has filed present application for setting aside 'no-cross' order passed against him.

02. Defendant No.2 contended that, due to illness of his learned advocate, he could not conduct cross-examination of Ravso (P.W.1). Hence, no-cross order came to be passed against him below Exh.116 and 198 on 20.02.2026. Due to above mentioned justifiable ground and unavoidable circumstances, he could not conduct cross-examination of Ravso (P.W.1). For just decision of the case, it is necessary to give him opportunity to conduct cross-examination of Ravso (P.W.1). He lastly prayed that, the application may be allowed.

03. Plaintiffs have strongly resisted present application by filing their say on overleaf of the present application. They prayed that, the application may be rejected with heavy costs.

04. Heard learned advocate for both the parties, at length.

05. On perusal of record and proceeding it appears that, in spite of ample opportunities being given, defendant No.2 failed to conduct cross-examination of Ravso (P.W.1) at Exh.116 and 198. Hence, no cross-examination order came to be passed against defendant No.2 vide Exh.116 and 198 on 20.02.2026. However, considering reasons mentioned in the application, submissions of both sides and in view of nature of the suit and interest of parties involved in the suit property, it would be just and proper to give opportunity to defendant No.2 to conduct cross-examination of Ravso (P.W.1) below Exh.116 and 198. The delay caused by defendant No.2 can be compensated by imposing cost upon

him. Considering above peculiar facts and circumstances and the delay caused by defendant No.2, it would be just and proper to impose cost of Rs.200/- on defendant No.2, which shall be payable to Ravso (P.W.1). Resultantly, I pass following order :-

**:: ORDER ::**

1. Application (Exh.219) is hereby allowed subject to costs of Rs.200/- (Rupees Two Hundred Only) payable to Ravso (P.W.1).
2. Payment of cost shall be condition precedent for setting aside no-cross order passed against defendant No.2 below Exh.116 and 198.
3. Accordingly, application (Exh.219) is disposed of.

(Dictated and pronounced in the Open Court).

Date : 23.02.2026.

( Balasaheb S. Gaikwad )  
Civil Judge, Junior Division,  
Kurundwad.