

MHKO180008412019

Reg. Civil Suit No.196/2019



Suhas Shivaji Jadhav @ Patil

Versus

Ranjitsign Vasantryao Patil & Anr.

Order below Exhibit 45.

Defendants have filed this application for setting aside No Cross order passed against them.

02. Defendants contend that, defendants were supposed to continue further cross-examination of plaintiff's witness on 24/11/2025, but they sought adjournment which was granted subject to cost. Till 04/05/2026 they did not cross-examine the witness. On that day they again sought adjournment which was rejected and their right to cross-examine was forfeited. Now, they want to contest the suit by examining the plaintiff's witness. It will help to completely adjudicate the matter on merits. Hence, it is prayed to allow it.

03. On the other hand, plaintiff has strongly opposed the application by filing his say. He submitted that, the contents of application are false and frivolous. Cost on previous application remained unpaid. Defendants intentionally avoided to cross-examine plaintiff's witness with a view to prolong the matter. The reasons stated in the application are not just. Thus, he prayed for rejection of application.

04. Perused the application and say. Heard both sides. Perusal of record reveals that, despite ample opportunities being given, defendants did not cross-examine plaintiff's witness. Therefore, 'No Cross' order got passed. Perusal of the present application goes to show that the present defendants have not intentionally failed to cross-examine the plaintiff. These submissions are supported by the affidavit. However, considering the delay caused, it needs to be compensated. No serious prejudice would be caused to the plaintiff, if this application is allowed. Hence, I pass following order:

ORDER

- 1) The application is allowed.
- 2) 'No cross' order passed against defendant is hereby set aside subject to payment of costs of Rs.1000/- (Rupees One Thousand only) to other side.

Place: Kurundwad.
Date: 12/06/2026.

(V. R. Mane)
Jt. Civil Judge Jr. Dn., Kurundwad.