

**Order below Exh 102 in RCS No 20/2012**

Defendant no. 1 has filed the present application for set aside No cross order dated 19.10.2016, which is passed on Exh. 77. According to him, for fair trial cross examination of plaintiffs witness is necessary. Hence, prays for allow the application.

02. Plaintiff has strongly opposed the application by filing their say at Exh. 103. According to them, only to prolong the hearing defendant has filed the present application. Record further discloses that, defendant has filed, time to time, adjournment application for prolonging the matter. Hence, prays for rejection.

03. Heard both sides. Perused the application, say. Record disclosed that, No cross order is passed against defendant on 19-10-2016. Thereafter, on 15-11-2016 defendant no. 1 has appointed another advocate and thereafter he filed present application. Record also disclose that, previously also defendant filed number of application for adjournment. However, for fair adjudication of the suit on merit cross examination of the plaintiff witness is necessary. Considering the conduct of defendant, while allowing the application the heavy cost is to be imposed on him. Hence, following order :-

**ORDER**

01. Application is allowed.

02. Defendant No. 1 is permitted to cross examine the plaintiffs witness (Exh. 77) on payment of cost of Rs. 2,000/- (in words Two Thousand Rs. Only). Out of that Rs. 500/- be credited to Legal Aid Account and remaining amount be paid to witness.

03. As suit is old one defendant is hereby directed to proceed with the suit on next date, without fail.

sd/-

( M. S. Todkar )

Date :- 30.11.2016.

Civil Judge, Jr. Dn., Radhanagari.