


| | |
|--|---|
| <p><u>MHKO190007072016</u></p>  | <p><u>ORDER PASSEED BELOW EXH. 56</u></p> <p><u>IN</u></p> <p><u>R.C.S. No. 145/2016</u></p> <p><u>(Shri. Bandopant Maruti Kumbhar Vs. Shri. Pandurang Maruti Kumbhar etc. 10)</u></p> <p><u>(Date: 10/03/2026)</u></p> |
|--|---|

Defendant No. 1 by filing the present application has prayed to set aside no cross orders passes against him and an opportunity to adduce his evidence.

2. The plaintiff by filing his say (Exh.57) has strongly opposed the application. He has submitted that defendant No.1 is his elder brother. The suit property is their ancestral property. The plaintiff has filed his affidavit in lieu of chief examination on 21/03/2023 and no cross order was passed on 17/07/2023. Thereafter, on 16/01/2024 defendant Nos.2 and 3 filed their affidavits in lieu of chief examination in support of plaintiff. On the same date no cross orders has been passes against defendant No.1. The matter has been argued before the Ld. Predecessor judge. Hence, he prayed to reject the application. In the alternative he has prayed to imposed heavy cost of Rs. 10,000/-.

3. Perused the record. Heard Ld. Advocates for the plaintiff and defendant No.1. Considered the submissions.

4. Admittedly, there is huge delay on the part of defendant No.1. since 2023 his absence from the proceedings can be prominently seen from the records. The matter has come to the stage of final arguments. Defendant No.1 has filed his written statement long back in the year 2020. Thus, it is not the case that defendant No.1 was unaware of the present proceedings. This shows inappropriate conduct on the part of defendant

No.1 by choosing not to remain present before court for several years, in which the suit has come to its conclusion stage. However, in order to give opportunity to defendant No.1 to conduct cross-examination and to adduce evidence in the light of principles of natural justice, the application deserves to be allowed subject to costs of Rs. 2500/-. Hence, the following order :

ORDER

| | |
|----|---|
| 1. | Application (Exh.56) is allowed subject to costs of Rs. 2500/- (Two Thousand and Five Hundred Rupees Only) payable to plaintiff on or before next date. |
| 2. | Orders of no cross passed against defendant No.1 are set aside. |
| 3. | Defendant No.1 is given opportunity to lead his evidence. |

Radhanagari

Date :- 10/03/2026

Sd/-

(N. P. Kakade)

Jt. Civil Judge, Jr. Division,
Radhanagari.
