

**ORDER BELOW EXH.44**

Perused application. This application has been filed on behalf of respondent nos.1 & 2 by advocate for respondent nos.1 & 2 with a prayer for setting aside No-cross order passed against respondent nos.1 and 2 on 25/02/2026 below Exh.11 and on 24/03/2026 below Exh.39. According to him on 25/02/2026 and 24/03/2026 the Court has recorded further examination-in-chief of claimant and other witness below Exh.11 & 39 but the respondent nos.1 and 2 neither remain present before the Court nor they have filed their Written Statement, hence, the Court has passed no-cross order. The respondents wants to contest this petition. They have filed their Written Statement on record alongwith application for setting aside 'No.W.S.' order. Hence, he prayed that application be allowed.

2. This application has been opposed by advocate for claimant submitting that, respondents have not mentioned any reason in the application to set aside no-cross order. He further submitted that if Hon'ble Court allows present application it may allowed on heavy cost and witness bhatta may be imposed.

3. Heard both sides. Perused the record.

4. It appears from record that, on 17/02/2026 the claimant filed his affidavit of examination-in-chief vide Exh.11 and on 25/02/2026 he was present for recording of his further examination-in-chief and cross-examination. Also on 24/03/2026 witness on behalf of claimant filed his affidavit of examination-in-chief vide Exh.39 and on same day he was present for recording of his further examination-in-chief and cross-examination. On above mentioned dates neither respondent nos.1 & 2 nor their advocate were present. They had not filed their Written Statement. No adjournment was sought. Therefore, no-cross order passed below Exh.11 and Exh.39 against respondent nos.1 & 2.

6. Today, the advocate for respondent nos.1 & 2 filed present application. Also he filed application for setting aside No.W.S. order alongwith Written Statement. The said application has been allowed subject to costs. As Written Statement has been permitted to be filed on record and as the stage of hearing is still going on, the respondents will get opportunity to cross-examine C.W.1 and C.W.2. If lenient view is taken respondents will get an opportunity to put forth their defence and matter can be decided on merits. If permission is granted subject to costs it will serve the ends of justice. Hence, in view of above reasons present application deserves to be allowed with costs. I therefore pass the following order :

ORDER

1. Instant application is allowed. Subject to costs of Rs.2000/- payable to claimant and Rs.300/- as witness allowance payable to C.W.2.
2. Subject to payment of cost by next date the No-cross order passed below Exh.11 and 39 against respondent nos.1 & 2 is hereby set aside.
3. Permission granted to respondent nos.1 & 2 to cross-examine the claimant and C.W.2 on next date.
4. Advocate for respondent nos.1 and 2 to note that for payment of costs no further date / adjournment will be granted.

Sd/-

(R. B. Bhagwat)

District Judge-2 & Ex-officio

Member of M.A.C.T., Latur.

Date : 02/04/2026