

**Order below Exh.32 in Spl.CS No.1/2018**

By this application defendant has requested to set aside the no cross order dated 18/08/2022 passed against him at **Exh.25**, on the grounds stated in the application. Plaintiff has filed his say and raised strong objections. Perused application and say. Heard both the sides. Both of them have submitted in the line of their application and say respectively. Record shows that the adjournment application filed by defendant at **Exh.31** on 18/08/2022 came to be rejected for the reasons mentioned in it. In the result, no cross order came to be passed at **Exh.25**. Record further shows that the defendant has no yet paid costs of Rs. 300/- to plaintiff which he was directed to pay by order dated 26/04/2022 vide **Exh.29**. Be that as it may. Learned advocate for defendant is ready to pay the cost amount and to conduct the cross examination of plaintiff. Considering the nature of suit, grounds stated in the application and the readiness of defendant in conducting the cross examination of plaintiff, in my opinion, it is necessary to permit the defendant to conduct the cross examination of plaintiff at **Exh.25**. However, while doing so, the hardship caused to the plaintiff cannot be neglected and for that purpose it is necessary to saddle cost of Rs. 1000/- on defendant. Hence, I pass following order:-

**ORDER**

1. No cross order dated 18/08/2022 passed against defendant at **Exh.25** is set aside subject to cost of Rs. 1000/- to be payable by him to plaintiff on or before next date and on condition that he shall conduct the cross examination of plaintiff at **Exh.25** on next date without fail.
2. The next date of hearing i.e. **13/01/2023** is fixed as per convenience of both the learned counsels.

Order dictated and pronounced in open court.

Date :03/12/2022

(Ashish B. Marlecha)  
Civil Judge (Sr.Dn.),  
Nilanga, Dist. Latur.