

Order below application vide Exh.67 for setting aside No cross order in
RCS No.88/2020
Limbraj Vs. The state & ors.

1. Perused contents of the application and say thereon. Heard to learned advocates for the parties.
2. Perused the record. The application discloses that, the defendants were busy in other public works. Their advocate were also busy in another court. Therefore, defendant Nos. 1 to 3 remained unable to cross examine the plaintiff. As a result, the suit was proceeded further without cross-examination of the plaintiff as per orders dated 16.10.2024 passed below affidavit of examination in chief of the plaintiff vide exh.58. Lastly, defendant Nos. 1 to 3 prayed to set-aside the aforesaid order. The plaintiff contended that defendant Nos. 1 to 3 intentionally failed to cross-examine the plaintiff. The application is incorrect. The reasons are inappropriate. Therefore, the plaintiff prayed to reject the application.
3. However, the plaint discloses that, the plaintiff raised issue with respect to validity of the notice issued by BDO and Sarpanch and he also raised issue has to demolition of the suit property. The plaintiff sought for relief of perpetual injunction restraining the defendants from causing of obstruction to the possession of the plaintiff over the suit property. The defendants/Government denied claim of the plaintiff and lastly contended to dismiss the suit. Therefore, opportunity of hearing will have to be given to defendant no.3. In such circumstances affording such opportunities, would be helpful to decide real controversy between the parties finally on merits and to avoid the multiplicity of the suits and proceedings.

4. In view of the matter, considering nature of the suit, reliefs claimed and aforesaid facts and in the interest of justice, application vide Ex.67 will have to be allowed. As a result, I pass following order:-

ORDER

Order dated 16/10/2024 passed below
Ex.58 proceeding the suit further without cross
examination of the plaintiff is hereby set aside.

Date :10/09/2025

(R.V. Pande)
Civil Judge (Sr.Dn.),
Nilanga, Dist.Latur.

