

ORDER BELOW EXH. 59

01. Read application and say filed thereon. Heard the parties. 'No cross' order came to be passed against defendant No.2 in respect of evidence of PW-3. By way of this application defendant No. 2 prayed to set aside the 'No cross' order which is opposed by the plaintiff.

02. It appears that the affidavit of PW-3 is filed on 15.11.2018 and 'No cross' order passed on 12.12.2018. Immediately on next date present application is filed. The suit is for re-convenience of the deed. Valuable rights of the parties are involved in it. Defendant has already cross-examined PW-1 and PW-2. In these situation, if the application came to be rejected, defendants will suffer the loss. On the contrary, plaintiff can be awarded with the costs. Therefore, to meet the ends of justice application deserves to be allowed. Hence, I pass following order.

ORDER

1. Application is allowed subject to costs of Rs. 200/-.
2. Defendant No. 2 shall pay the costs on or before next date.

Sd/-
(R.P. Kulkarni)
Civil Judge Senior Division,
Nilanga.

Date : 13.02.2019.