

**Order below Exh.148 in RCS No.125/2012**

By this application defendant No.2 has requested to set aside the no cross order dated 19/01/2024 passed against him at **Exh.141**, on the grounds stated in the application. Plaintiffs have filed their say and raised strong objections. Perused application and say. Heard both the sides. Record shows that plaintiffs have examined Hanmant Jadhav as PW No.2 by filing his affidavit of chief examination on 08/01/2024. On 19/01/2024 defendant No.2 failed to conduct his cross examination and in the result, the impugned order came to be passed. This application came to be filed on 15/04/2024 i.e. approximately after near about three months of passing the impugned order. It was the duty of defendant No.2 to move the application at the earliest possible opportunity. He failed to do so. Be that as it may. This delay can be compensated by imposing cost upon defendant No.2. However, permission to cross examine needs to be granted for fair trial of the suit. Hence, I pass following order:-

**ORDER**

No cross order dated 19/01/2024 passed against defendant No.2 at **Exh.141** is set aside subject to cost of Rs.350/- only and on condition that defendant No.2 shall begin the cross examination of PW No.2 Hanmant Jadhav today itself.

Date :06/05/2024

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