

Order below Exh.405 in RCS No.181/2008
Kalubai & Or. Vs. Pandurang & Ors.
MHLA110001972008

By this application defendant No.36 has requested to set aside the no cross order dated 09/11/2021 passed against him at **Exh.365**, 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 no cross order against defendant No.36 at **Exh.365** came to be passed on 09/11/2021 and he has moved this application on 24/01/2023 i.e approximately after more than one year of passing of order. However, considering the nature of suit and grounds stated in the application, in my opinion, it is desirable that defendant No.36 be permitted to conduct the cross of plaintiff witness Shri. Narsingh Piraji Chilme at **Exh.365**. But, while doing so, the delay of approximately more than one year caused by defendant No.36 cannot be neglected and for that purpose it is necessary to saddle cost upon him. Hence, I pass following order:-

ORDER

No cross order dated 09/11/2021 passed against defendant No.36 at **Exh.365** is set aside, subject to cost of Rs.300/- to be payable by him to plaintiff witness Shri. Narsingh Piraji Chilme and on condition that he shall conduct the cross examination of plaintiff witness Shri. Narsingh Piraji Chilme on next date without fail.

Order dictated and pronounced in open court.

Date :07/02/2023

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