

R.C.S. No.181/2008
Kalubai Vs. Pandurang & Ors.

ORDER BELOW EXH.379

The present application is filed by the defendant Nos.3 to 5 and 36 to set aside the no cross order.

2. In short, it is the contention of defendants that no cross order passed due to ill-health of defendant No.36 and their learned advocate out of station, they could not cross-examine the witness (P.W.4) of plaintiff. Matter is in respect of immovable property. Hence, prayed to allow the application.

3. The plaintiff filed say and opposed the application contending that affidavit of witnesses is filed on previous date. The defendants severally sought adjournments. The defendants deliberately delay the matter. Reasons mentioned in the application is false one. Hence they prayed for rejection of application.

4. Heard both the parties. Perused the R & P. It appears that affidavit of the witnesses is filed on 18.02.2020 and the matter was posted for cross-examination. But, thereafter, the defendants filed several applications for cross-examination. Thereafter, both the parties have sought adjournment on various grounds.

5. If all above facts are taken into consideration, then it appears that on one or other reason, the matter is adjourned. Considering the reason mentioned in the application, it is necessary

to grant one opportunity to the defendants so that the matter can be decide on merit. No harm will cause to the plaintiff, if the application came to be allowed. The matter is in respect of immovable property and valuable rights of the parties are involved in it. Therefore, the application deserves to be allowed. Hence, I pass the following order:

ORDER

1. The application is allowed.
2. No cross order passed against defendant Nos.3 to 5 and 36 is set aside.

(Dictated and pronounced in open Court.)

Place : Nilanga.
Date:08.03.2022.

(K.S.Suryawanshi)
Civil Judge Senior Division,
Nilanga.

