

Order below Exh.93 in RCS No.314/2014
Shashikala Vs. Gunderao

By this application defendant No.2 has requested for granting permission to conduct the cross examination of plaintiff witness at **Exh.58**, on the grounds stated in the application. Plaintiff has filed her say and raised objections. Perused application and say. Heard both the sides. Record shows that plaintiff has examined her son at **Exh.58** and his cross examination came to be conducted by defendant Nos.3 and 4 on 26/09/2019. At the relevant time, the suit was proceeding without WS of defendant No.2. Record further shows that defendant No.2 moved an application at **Exh.87** for setting aside the no WS order, which came to be allowed by order dated 23/02/2023 subject to cost of Rs.2500/- to be payable by defendant No.2 to plaintiff. The said cost amount of Rs.2500/- came to be accepted by plaintiff on 15/03/2023. Considering the change in scenario and the fact that defendant No.2 has filed her WS after the cross examination of plaintiff witness by defendant Nos.3 and 4, in my opinion, defendant No.2 has every right to conduct the cross examination of plaintiff witness. For these reasons, I pass following order:-

ORDER

1. Application is allowed.
2. Defendant No.2 is hereby permitted to conduct the cross examination of plaintiff witness viz. Sachin Angad Nelwade at **Exh.58**.
3. Parties shall take note of this order and plaintiff witness viz. Sachin Angad Nelwade shall remain present in the Court on next date for recording his cross examination at **Exh.58**.
4. No order as to costs.

Order dictated and pronounced in open court.

Date : 03/07/2023

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