

MHLA11-000350-2019

Order below application vide Exh.55
in RCS No. 271/2019
Dnyaneshwar Vs. Rangrao and Anr.

Perused contents of the application and affidavit vide Exh.56 and say thereon. Heard to learned advocates for the parties. Perused the record.

2. By this application, the defendants are seeking to set-aside order dated 22.12.2025 passed below affidavit of examination-in-chief vide Exh.40 of the plaintiff proceeding the suit further without his further cross-examination by the defendants. The plaintiff contended that, the defendants partly cross-examined the plaintiff. They are prolonging the matter and intentionally remaining absent.

3. However, the plaintiff is claiming relief of specific performance of contract, causing the defendants to execute sale deed with respect to land ad-measuring 81 R out of Block No.486 and perpetual injunction restraining the defendants from causing obstruction to his possession on the aforesaid suit property. The defendants denied the plaintiff's entire claim and lastly contended to dismiss the suit. In such circumstances, it would be just and proper to give an opportunity of hearing to the defendants. Affording such

opportunities would also be helpful to decide real controversies between the parties finally on merits and to avoid multiplicities of the suit and proceedings. In view of the matter and in the interest of justice, I pass the following order :-

ORDER

1. Application vide Exh.55 is allowed.
2. No cross order dated 22.12.2025 passed below affidavit of examination-in-chief vide Exh.40 of the plaintiff is hereby set aside.

Date :13/01/2026 Place: Nilanga	(R. V. Pande) Civil Judge, Senior Division, Nilanga, District Latur.
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