

MHLA110010142022



**Order below Exh.36 in RCS No.245/2019**

**Girish Vs. Ankush**

By this application defendant Nos.3 and 4 have requested to set aside No cross order passed against them at **Exh.34**, on the grounds stated in the application. Plaintiff has raised objections. Perused application and say. Heard both the sides. Record shows that plaintiff has examined himself as PW No.1 by filing his affidavit of chief examination at **Exh.34** on 11/07/2024. No cross order against defendant Nos.1 and 2 came to be passed on 06/08/2024. On the same day, as defendant Nos.3 and 4 failed cross examination of plaintiff, no cross order came to be passed against them too. This application is filed today i.e. immediately on the next date of passing of impugned order. There is no delay on the part of defendant Nos.3 and 4 in moving this application. Considering the nature of suit, grounds mentioned in the application and to grant an opportunity of fair trial, I pass following order:-

**ORDER**

1. No cross order dated 06/08/2024 passed against defendant Nos.3 and 4 at **Exh.34** is set aside subject to condition that they shall conduct the cross examination of plaintiff on next date without fail.
2. No order as to costs.

Date : 05/09/2024

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