

MHLA110010922018



Order below Exh.30 in RCS No.263/2017

Dattu Vs. Ramchandra

By this application defendant has requested to set aside the no cross order dated 14/11/2022 passed against him at Exh.28, on the grounds stated in the application. Plaintiff has filed his say and raised strong objections. Perused application and say. Heard both the sides. Record shows that plaintiff has filed his affidavit of chief examination at Exh.28 on 25/01/2019 and his cross examination began on 02/11/2022. Thereafter, on that day the cross examination came to be adjourned on the oral request of learned advocate of defendant. On 14/11/2022 defendant failed to conduct the cross examination and accordingly, the order in question came to be passed. Considering the grounds stated in the application, nature of suit, in my opinion, it is desirable that defendant be permitted to conduct the cross examination of plaintiff. No prejudice will be caused to plaintiff. However, the delay of approximately two months caused by defendant in moving this application cannot be neglected and for that purpose it is necessary to saddle minimum cost upon him. Hence, I pass following order:-

ORDER

No cross order dated 14/11/2022 passed against defendant at Exh.28 is set aside, subject to cost of Rs.100/- to be payable by defendant to plaintiff on or before next date and on condition that defendant shall conduct the cross examination on next date without fail.

Order dictated and pronounced in open court.

Date :21/02/2023

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