

Order below application vide Exh.67 for setting aside No cross orders in RCS No.88/2020
Limbraj v/s State

Perused contents of the application and say thereon. Heard to both sides. Learned advocates for the parties submitted contents of the application and say thereon. Perused the record. The application discloses that, learned advocate for defendants were busy in public interest work. Therefore, he remained unable to conduct cross examination of the plaintiff. The defendants lastly prayed to set aside no cross order dated 16/10/2024 passed against them. The plaintiff contended that -----

The plaintiff filed the present suit claiming perpetual injunction against the defendants i.e. Government restraining them from causing obstruction to possession of the plaintiff on the suit property and unauthorized demolishing the same. The defendants contained that the plaintiff encroached on the road. There is dispute about the road and encroachment. Therefore, opportunity of hearing will have to be given to the defendants. Affording such opportunity, will helpful to decide real controversy between the parties finally on merits and to avoid multiplicity of the suits and proceedings. Hence, considering the rival pleadings, the reliefs sought for and issues involved, order dated 16/10/2024 proceeding the suit further without cross examination will have to be set aside. Hence, I pass following order.

ORDER

1. Order dated 16/10/2024 proceeding the suit further without cross examination of

defendants no. 1 and 2 passed below the
Exh.58 is hereby set aside.

2. No order to cost.

Date :16/07/2025

(R.V. Pande)
Civil Judge (Sr.Dn.),
Nilanga, Dist.Latur.