

Order below Exh.93 in Spl.C.S. No.15/2016

By this application defendant Nos.1 to 4 have requested to set aside the no cross order dated 12/10/2021 passed against them at **Exh.57**, on the grounds stated in the application. Plaintiff has filed his say and raised strong objections. Perused application and say. Heard both the sides. Both of them have submitted in the line of their application and say respectively. Record shows that plaintiff has filed this suit for partition and separate possession. Defendant Nos. 1 to 4 have filed their WS at **Exh.36**, defendant No.5 at **Exh.50** and defendant Nos. 6 and 7 at **Exh.33**. Issues are framed at **Exh.55** on 03/11/2017.

2. Record further shows that plaintiff has examined himself as P.W.No.1 by filing his affidavit of chief examination at **Exh.57** on 22/12/2017. No cross order against defendant Nos.1 to 5 came to be passed on 12/10/2021. In the mean time, defendant Nos.1 to 4 have changed their counsel and the Vakalatnama of newly appointed counsel is filed at **Exh.92** on 18/08/2022. On the same day, defendant Nos.1 to 4 have moved this application. This itself shows that they are willing to proceed with the matter. Considering the nature of suit, relief claimed and the rights involved, in my opinion, it is necessary to permit defendant Nos.1 to 4 to conduct the cross examination of plaintiff at **Exh.57**. However, while doing so, the delay of near about 8 months caused by defendant Nos.1 to 4 and the age of plaintiff cannot be neglected. For these reasons, I pass following order:-

ORDER

No cross order dated 12/10/2021 passed against defendant Nos.1 to 4 at **Exh.57** is set aside and they are permitted to conduct the cross examination of plaintiff, subject to cost of Rs.500/- to be payable by defendant Nos. 1 to 4 to plaintiff on or before next date and on condition that the cross examination shall begin on next date without fail.

Date :01/10/2022

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