



ORDER BELOW EXH.29

1. Plaintiff has filed the present application to set aside No cross order passed against them on 22.07.2024.
2. It is contended by plaintiff that due to non-availability of non appearance of his advocate before the Court, the no cross order passed against him. His advocate is present and ready to conduct the cross-examination on today. Therefore, no cross order passed against him be set aside.
3. Defendants have filed their say behind the same application. They objected this application on the ground that the reason in this application is not justifiable. Plaintiff and his advocate are absent when called out. Therefore, no cross order passed against him. The application is not along with affidavit. Hence, the application be rejected.
4. Heard the Ld. Advocate of the respective parties at length.
5. Perused the record. It appears that suit is filed for partition of the suit property. The defendant no.1 filed his chief examination affidavit on 07.02.2024 at Exh.26. Thereafter on two dates the plaintiff and his advocate are absent. On 01.07.2023 plaintiff filed adjournment application. Total three times the cross examination of defendant no.1 is adjourned due to absence of plaintiff. On 22.07.2024 plaintiff and his advocate absent. Therefore, no cross order pass against him and on the same date the present application is filed by the plaintiff. The application is filed by the

advocate of plaintiff. Therefore, the reason of his failure is not appears justifiable but the suit is for partition of the suit property. The right and interest of the plaintiff is involved in the suit property. Considering his vigilance by taking action by this application, the intention of plaintiff to prolong the matter is not disclose. Considering the vigilance and interest of plaintiff in the suit property, permission is granted to conduct the cross examination by setting aside order passed on 22.02.2024. Hence, I pass the following order-
1)

2) ORDER

1. Application at Exh.29 is allowed with costs of Rs. 100/-.
2. No cross order passed against the plaintiff is set aside subject to costs of Rs. 100/- to be paid to the defendant no.1.
3. Upon failure to comply this order, No cross order will be continue.

Sd/-

(Smt.A.S. Gunjawate)
2nd Jt. Civil Judge J.D. Nilanga.

Date : 07/11/2024