

MHLA140003222018**Order on Exh.43**

1. The present application is filed on behalf of defendants for setting aside no cross order passed against them.

2. The defendants have contended that the defendant NO. 1 had gone out of station for religious reason. The defendants could not get necessary information. Therefore they could not remain present before the court. As a result no cross-order passed against them. The valuable rights of the defendants are involved in the suit. Therefore defendants have prayed that no cross order passed against them be set-aside and they be permitted to take cross-examination of the plaintiff witnesses.

3. The plaintiffs have submitted that the application is false and frivolous. The defendant have failed to cross-examined plaintiff after sufficient opportunity. The defendants intend to prolong the matter. Therefore Ld. Adv. For the plaintiffs has prayed that application be rejected.

4. Read the application and say. Perused the record. Heard both the sides.

5. The present suit is for declaration of ownership, partition, separate possession and for perpetual injunction. On 9.12.2021 no cross-

order is passed against defendants. The reason for the same as stated by the defendants is that, they have out of station for religious reason. The defendants have filed affidavits in support of their claim, though no documents in support of reason is filed on record. The valuable rights of the parties in respect of immovable property are involved in the suit. Hence for just and proper adjudication of matter on merit an opportunity will have to be given to the defendant. Hence it would just and appropriate to allow the application. Nevertheless the inconvenience caused to the plaintiffs can be compensated by saddling costs on defendants. Hence in result following order is passed.

ORDER

1. The application is allowed.
2. The defendants are permitted to cross the plaintiff witnesses subject to costs of Rs. 500/- to be paid to plaintiff witness.

Place: - Ausa
Date: - 25/02/2022

(P. R. Kulkarni)
Jt. Civil Judge, J. D. Ausa