



Order on Exh.95

1. The present application is filed on behalf of defendants 1 to 4 and 6 for setting aside no evidence order passed against them.
2. The defendants No. 1 to 4 and 6 have contended that due unavailability of documents they have not taken the cross of the plaintiffs witness. Hence no cross order passed against them. For just and proper adjudication of matter on merit the defendant has prayed that no cross order passed against her be set-aside.
3. The plaintiff has filed say and resisted the application. The plaintiffs has contended that, the defendant has deliberately not cross the witness and prolonging the matter. Hence plaintiff has prayed for rejection of application with costs.
4. Read the application and say. Perused the record. Heard both the sides.
5. The present suit is for partition and separate possession. 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 defendants No. 1 to 4 and 6. The application is supported by affidavit. Hence it would just and

appropriate to allow the application. Nevertheless the inconvenience caused to plaintiff is to be compensated by saddling costs on the defendants No. 1 to 4 and 6. Hence in result following order is passed.

ORDER

- 1) The application is allowed.
- 2) The defendants No. 1 to 4 and 6 are permitted to cross the plaintiff witnesses subject to costs of Rs. 300/-.

Place: - Ausa
Date: - 01/12/2021

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