

ORDER PASSED BELOW EXH.56 IN RCS No.692/2013

This is an application filed by the defendant No.3 for setting aside No cross order passed against him dtd.14.01.2016. He submit that, a copy of affidavit in lieu of examination-in-chief was not filed by the plaintiff. Therefore, he could not cross-examine the plaintiff. Therefore, it would be proper to set aside the order passed below Exh.55 dtd.14.01.2016.

02. The plaintiff has objected to allow the application.

03. Heard both sides. Perused record of the case. The plaintiff has filed his affidavit in lieu of examination-in-chief on 16.11.2015. On 14.01.2016 the defendant received copy of examination-in-chief. On the same day No cross order has been passed. Before that day defendant No.3 did not raise objection regarding non receipt of copy of affidavit. Considering the nature of the dispute between the parties and reasons stated in the application it would be proper to allow defendant No.3 to cross-examine the plaintiff in order to decide the matter on merit. Hence, I pass the following order.

ORDER

1. The application is allowed.
2. Defendant No.3 is permitted to cross-examine the plaintiff in the interest of justice.

Date: 29/01/2016

(R.S. Kanade)
Civil Judge J.D., Ausa.

