



**Order on Exh.99**

1. The present application is filed on behalf of defendant for setting aside no evidence order passed against him.
2. The defendant has contended that due to pandemic situation the court work is closed. As a result no cross order dated 13.08.2021 was passed. 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 declaration of ownership and perpetual injunction. 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. 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 defendant. Hence in result following order is passed.

**ORDER**

- 1) The application is allowed.
- 2) The defendant is permitted to lead evidence subject to costs of Rs. 700/-.

Place: - Ausa  
Date: - 23/10/2021

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