

**ORDER BELOW EXH.100.**

1. This is an application filed by the defendant to set aside no cross order passed on 17.11.2018.
2. The defendant has contended that the advocate of the defendant was absent due to illness and the court has passed no cross order on 17.11.2018. Thus, the defendant has contended that, in the interest of justice the no cross order passed on 17.11.2018 be set aside.
3. The learned advocate for plaintiff has filed say and opposed the application. He has submitted that the advocate for the defendant was absent, therefore no cross order came to be passed. Further he submitted that, the matter is old one, moreover no justified ground mentioned in the application. Thus, he submitted to reject the application with cost.
4. Read the application, say of plaintiff. Perused the entire record of the case. It appears from the record that, the affidavit of the witness is filed on 06.10.2018 and no cross order came to be passed on 17.11.2018. However, the suit is filed for declaration and injunction and valuable rights of the defendant is involved in the subject matter of the suit, hence in the interest of justice an opportunity is required to be granted to defendant to put up his case, but for causing the delay cost is required to imposed on defendant. Hence, I proceed to pass the following order.

**ORDER**

1. The application below Exh. 100 is allowed.
2. The no cross order dated on 17.11.2018 is set side subject to cost of Rs. 500/- payable to plaintiffs.  
(pronounced in the open court.)

Date : 17.01.2019.

**(Gajanan B. Jankar)**  
Jt. Civil Judge, J.D., Chakur.

**C E R T I F I C A T E**

I affirm that the contents of this P.D.F. File Order are same, word to word, as per the original Order.

Name of the Stenographer	:-	M.B. Pathan
Name of the Court	:-	Civil Judge, J.D., Chakur.
Date of Order	:-	17/01/2019
Order signed by the Presiding Officer on	:-	17/01/2019
Order uploaded on	:-	17/01/2019