

MHLA160001222015



Regular Civil Suit No.36/2015
Vandana & Ors. Vs. Baburao & Ors.

-:: Order Passed Below Exh.89 ::-

Perused application and say. Defendant No.6 has preferred the application to set aside 'No Cross' Order passed below Exh.34 and 80 dated 28/09/2018 contending that earlier Advocate did not inform anything to the defendant No.6 and failed to cross examine. The said Order needs to be set aside in the interest of the justice. Application is strongly opposed contending that Ld. Advocate for the defendant No.6 deliberately remained absent. Plaintiff is prolonging the matter unnecessarily hence heavy costs of Rs.5000/- be imposed.

2. In order to decide the suit on merit it is necessary to give an opportunity to defendant to cross examine the witnesses of the plaintiffs. No prejudice will be caused if suit is decided on merit. Considering reason, 'No Cross' Order dtd.28/09/2018 passed below Exh.34 and 'No Cross' Order dtd.12/06/2014 passed below Exh.80 stands set aside subject to cost of Rs.2000/- to be paid to the plaintiffs.

Date : 17/10/2024

(A. P. Kholam)
Civil Judge (J.D.), Deoni.