

:: Order below Exh. 118 ::

01. This is an application by the defendant Nos. 2 and 3 to set aside no cross-examination order of plaintiff's witnesses. As per the defendants, suit proceeded without written statement against them and therefore, they could not cross-examine plaintiff's witnesses. Thereafter, the defendants applied for setting aside no written statement order and same was allowed. The written statement of the defendants is filed. Therefore, they may be permitted to cross-examine plaintiff's witnesses. Application is opposed by the plaintiffs on the ground that, the defendants in spite of sufficient opportunity failed to cross-examine plaintiffs and their witnesses.

02. Heard both sides. Perused record. The plaintiffs have examined 06 witnesses. The defendant Nos. 2 and 3 filed written statement at Exh. 104 on 10-12-2018. The plaintiff's witnesses were examined prior to that. The suit relates to immovable property and valuable rights of both parties are involved in the suit. Therefore, for proper adjudication of dispute on merits, it would be desirable to allow the defendant Nos. 2 and 3 to cross-examine plaintiff's witnesses. There would be no prejudice to the plaintiffs by allowing the application. On the contrary, it would help to decide the dispute on merits. Delay caused by the defendants admits compensation in terms of costs. Hence, following order.:

:: O r d e r ::

- 1) Application is allowed.

2 Reg. Civ. Suit No. 05/2011.
CNR No.MHLA160001232011

- 2) No cross-examination order of P.W. No. 1 to P.W. No. 6 is set aside against defendant Nos. 2 and 3 subject to payment of cost of Rs. 1,000/- payable to each witness.

Date : 02-01-2020.

(U. B. Kalapagar)
Civil Judge Junior Division,
Deoni.

I affirm that the contents of the P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer	M.Y. Wadiwale.
Name of the Court	Shri.U.B.Kalapagar, Civil Judge Jr. Division, Deoni.
Date of Dictation	02/01/2010
Order signed by the P.O. on	02/01/2010
Order uploaded on	02/01/2010