

MHLA160001232011



**Regular Civil Suit No.05/2011.**

**Order below Exh.135**

(Passed on 04.01.2024)

Perused application and say. Heard Ld. Advocates for both sides.

2. Application is filed by defendant nos. 4 and 5 for setting aside order of no-cross passed at Exh.132 dated 04.01.2024 on the ground that learned Advocate of defendant Nos.4 and 5 could not remain present on time due to delay caused to reach the court from out of station i.e. from Udgir. Therefore, to decide suit on merits, cross-examination of witness is necessary. Therefore, prayed that in the interest of justice no-cross order passed be set aside.

3. Plaintiffs has objected the application on the ground that reasons mentioned in the application by defendants are false. Hon'ble Adl. District Court has directed to decide the matter as early as possible. Application is filed by defendants at 3.45pm. They failed to cross on time when called out repeatedly. Hence, prayed for rejection of application and alternatively prayed for the costs.

4. Perused the application and say. Perused the record of the case. Suit is more than ten years old. Suit is at the stage of hearing and for cross-examination of plaintiff's witness. Considering the reason assigned and to decide the matter on merits, application needs to be allowed. Reasonable costs needs to be awarded to the other side. Hence, following order is passed :-

**ORDER**

1. Application at Exh.135 is allowed.
2. Order of no-cross dated 04.01.2024 passed at Exh.132 is hereby set aside subject to costs of Rs.100/- to be paid to other side.
3. Parties to take note.

(Dictated and pronounced in the open court.)

Sd/-

**(Atish Pralhad Khollam)**  
**Civil Judge, Jr. Division,**  
**Deoni, Dist. Latur.**

**Place: Deoni**  
**Date : 04/01/2024.**

### **CERTIFICATE**

I affirm that the contents of this PDF file Order / judgment are same, word to word, as per the original order / judgment.

Name of Stenographer : S.Y.Chaus (Jr.Clerk)  
Name of the Court : Shri. A.P. Khollam, C.J.J.D.,  
Deoni, Dist. Latur.  
Date of Order / judgment : 04/01/2024.  
Order signed by  
Presiding officer on : 04/01/2024.  
Order / judgment uploaded on: 04/01/2024.