

**ORDER BELOW EXH-52 IN R.C.S. NO.280/2019**  
**CNR No.-MHLA120011922019**

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1) Perused application of defendant no.9 and say of plaintiff. Also, perused record of the case. Heard learned advocates for plaintiff and defendants.

2) It is contended by the defendant No.9 that, she was paralyzed and therefore, last two months she could not present before the court and could not give necessary information to her advocate. Therefore, no cross order has been passed against her. Therefore, defendant no.9 prayed to set aside no cross order and prayed to permit her to cross examine the plaintiff's witness.

3) Plaintiffs objected the present application stating that, no sufficient cause is shown, no medical certificate has been filed on record. Therefore, plaintiff prayed to reject the application.

4) This is suit for partition and separate possession of agricultural immovable properties. It is contentions of the plaintiff that the suit properties are ancestral and joint family properties. Defendant no.9 appeared in the suit and resist the suit claim by filing her written statement. The issues are framed on 25.10.2021 and plaintiff filed her affidavit of examination in chief on 13.11.2021 at Exh.47. It appears that, on 24.11.2021 due to absence of defendants no cross order has been passed against all defendants. The present application has been filed on 11.01.2022. This application is supported by affidavit of defendant no.9. It is to be noted that, this is suit in respect of agricultural immovable

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properties, therefore on considering the nature of suit and relief claimed by the plaintiff it would just to decide the suit on merit and for that purpose it would necessary to give permission to present defendant to cross examine the plaintiff's witness. No prejudice will cause to the plaintiff if this application is allowed. Therefore, in the interest of justice, I have no hesitation to allow the application. In the result I pass the following order.

**-: O R D E R :-**

Application at Exh.52 is allowed subject to cost of Rs.200/-

Cost to be paid to the plaintiff on or before next date without fail.

Date-21/01/2022

Sd/--  
(D.R. Kulkarni)  
3<sup>rd</sup> Jt. Civil Judge, J.D., Nilanga.

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