

ORDER BELOW EXH. NO.75 IN RCS NO.323/2023
(Khutabuddin Patwari Vs. The Secretary and others.)
(Passed on this 17th February, 2026.)
CNRNO.MHLA170002742023

Defendant Nos. 5 to 7 have filed application for granting them permission to cross-examine the plaintiff submitting that, the plaintiff has filed his affidavit of examination-in-chief (Exh.54) on 14/11/2018. Inadvertently defendant Nos. 5 to 7 failed to cross-examine the plaintiff. Therefore, they prayed to allow their application.

2. Perused the say of plaintiff. He has objected the application on the grounds that, the plaintiff has filed his affidavit of examination-in-chief at Exh. 54 on 14/11/2018. Thereafter, “No cross” order is passed against defendants on 06/12/2018 due to their absence. The suit is pending since long time. The plaintiff has closed his evidence. Thereafter, the Court has also closed the evidence of defendants as they failed to lead their evidence. Defendants have filed this application without sufficient grounds. Defendants have filed this application only to prolong the proceedings. Hence, plaintiff prayed to reject the application.

3. Heard learned counsels for both the parties. Perused the record. In view of order passed below Exh. 60 dated 15/03/2019 “No cross” order passed below Exh. 54 is set aside and defendant No. 5 to 7 are granted permission to cross-examine the plaintiff. Still, defendant Nos. 5 to 7 failed to cross-examine the plaintiff till today. Already, the evidence of plaintiff and defendants is closed. The grounds assigned by the defendant Nos. 5 to 7 shows that, due to

mistake they could not cross-examine the plaintiff though “No cross” order is passed against them was set aside in view of order below Exh. 60 dated 15/03/2019. Still, for the just decision of the suit, defendants are required to be given an opportunity to cross-examine plaintiff in view of order passed below Exh. 60. Hence, considering the period to file this application from the order passed below Exh. 60, the application is liable to be allowed by imposing cost upon defendant Nos. 5 to 7. Hence, I pass following order:-

ORDER

1. The application is allowed.
2. Defendant Nos. 5 to 7 are granted permission to cross-examine Khutabuddin Patwari (PW1) subject to cost of Rs. 2000/- each.
3. Cost amount be handed over to the plaintiff.

Date : 17.02.2026.
Place : Ausa.

(P. I. Mokashi)
Civil Judge Senior Division,
Ausa.