

ORDER BELOW EXH.21 IN SPL.C.S. NO.132/2023

Waman Bandgar Vs. Shivaji Patil

(Passed on this 27th Day of September, 2024)

CNR NO.MHLA170020202023

The defendant has filed this application for setting-aside no cross order passed against him on 14.08.2024 below Exh.19 on the grounds that, he could not conduct the cross-examination of witness as he was not well. He has not purposefully caused delay to conduct cross-examination of witness. Therefore, he prayed to allow his application.

2. Perused the say of the plaintiff. He has objected the application on the grounds that, there is no legal and sufficient cause assigned by the defendant. No medical certificate is produced on record by the defendant to show that, he was not well. Hence, the plaintiff prayed to reject the application.

3. Heard learned counsels for both the parties. Perused the record. It is necessary to grant an opportunity to the defendant to cross-examine the witness for just decision of the suit. Hence, the application of defendant for setting-aside no cross order is liable to be allowed. Therefore, I pass further order below Exh.19.

Date:-27/09/2024.

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

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ORDER

1. In view of order passed below Exh.21 “no-cross” order passed against defendant is set-aside.
2. No order as to cost.

Date:-27/09/2024.

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

