

ORDER BELOW EXH. 28

(Passed on this 05th day of February, 2026)

This is an application filed by defendant for setting aside no cross order.

2. Perused the application and say below it.

3. The contention of the defendant is that, the suit was proceeded without W.S. and evidence of the plaintiff was recorded. Later on, the defendant filed his written statement by obtaining permission of the Court. If permission for cross-examination is not allowed, injustice will cause to the defendant. On the other hand if opportunity given, no prejudice will be caused to other side. So, this application may kindly be allowed.

4. On the other hand, the plaintiff has opposed the application on the ground that, the defendant is delaying the matter. No sufficient reasons are cited. So, this application is liable to be rejected. If the court is pleased to allow the application, cost of Rs.5,000/- may kindly be imposed.

5. Considering, principle of natural justice and submission of the defendant, I am of the view that, opportunity is necessary to be given to the defendants. At the same time, sufferance of the plaintiff can be taken care by imposing costs. Hence I pass the following order:-

ORDER

The no cross order passed against the defendant is hereby set aside subject to cost of Rs. 1000/- (Rs. One Thousand Only).

Date :- 05.02.2026

(K.S. Khandare)
Jt. Civil Judge Junior Devision,
Kandhar.