

REGULAR CIVIL SUIT NO. 105/2010

Vilas Dhondiba Mahajan
Vs.
Anjanabai Dhondiba Mahajan & Ors.

Order passed below Exhibit – 41

On earlier occasion, the day on which the matter was posted for cross examination none present for the Deft. hence, "No Cross" order Dtd 03/01/2017 was passed.

(2) By filing the present application, it is prayed that, No Cross Order be set aside. Reasons mentioned literally NIL. Mr. Tikore, Adv. submitted that he is ready to conduct the cross examination today itself.

(3) Heard the learned counsel for the Plaintiff who resisted the application. Main thrust of his argument is (i) delay (ii) no plausible reason tendered.

(4) In an adversarial system, no party should ordinarily be denied the opportunity of participating in the process of justice dispensation, I am of the view to grant the application because our laws of procedure are grounded on a principle of natural justice which requires that no one should be condemned unheard and that he should not be precluded from participating in the cause. As regards the delay, it can be taken care by imposing certain costs. If application is allowed, no prejudice would be caused to the plaintiff, on the contrary, if cross-examination is conducted, it would help the court to arrive at right conclusion and to adjudicate the matter properly. Hence, the following order :-

ORDER

(i) No Cross Examination order Dtd 03/01/2017 is set aside subject to costs of Rs.250/- to be paid to the Plaintiff.

(Ganesh A. Ghule)
Joint Civil Judge, (Jr.Divn.),
Hadgaon,
Dist. Nanded.

Date :07th February 2018.

प्रमाणपत्र

मी अशी खात्री देतो की, सदर पी.डी.एफ. फाईलमधील मजकुर मुळ न्यायानिर्णयाप्रमाणे / आदेशाप्रमाणे प्रत्येक शब्द बरोबर आहेत.

लिपिकाचे नाव - श्री. शेवंडकर.

न्यायालयाचे नाव - सह दिवाणी न्यायाधीश क.स्तर व न्यायदंडाधिकारी वर्ग १, हदगांव.

आदेश दिनांक

:०७/०२/२०१८.

पिठासीन अधिका-यानी स्वाक्षरी केलेला दिनांक

:०७/०२/२०१८.

आदेश/न्यायनिर्णय अपलोड केलेली तारीख

:०७/०२/२०१८.