

**ORDER BELOW EXH.53.****(Passed on 18/08/2023)**

This is an application moved by defendant No.1 and 2 and prayed for set aside no cross order dated 28/04/2023 passed below Exh.46. It is submitted by defendant No. 1 and 2 that they could get leave from the service to attend the court, therefore they could not remain present before the court and could not provide necessary information to their Ld. Advocate to conduct the matter. It is further submitted that interest of defendant No.1 and 2 is also involved in the suit, therefore, in the interest of justice opportunity should be given to them to cross examine the plaintiffs witness. Plaintiff has opposed this application and submitted that the reason is not sufficient.

2) Perused the application and say filed thereon. Heard both side at length. I have gone through the record. It is contended defendant No. 1 and 2 that they could get leave from the service to attend the court, therefore they could not remain present before the court and could not provide necessary information to their Ld. Advocate to conduct the matter. Considering this reason and in the interest of justice it appears that opportunity should be given to defendant No. 1 and 2 to cross examining plaintiff's witness. It will also assist to decide the suit on merit. Hence, this application is allowed subject to cost of Rs.500/- and no cross order passed below Exh.46 dated 28/04/2023 is hereby set aside. It is directed that party shall not claim unnecessary adjournments in the future.

Loha
Date :- 18/08/2023.

(Santosh L. Vaidya)
Civil Judge (J.D.), Loha