

MHND260002342018



ORDER BELOW EXH. NO.162

This is an application filed by defendant no. 1 for setting aside No-cross order passed by this court on 03/04/2023, 21/03/2024 and 24/01/2024 for no cross examination by defendant no. 1 and give permission to cross-examine PW-1, PW-2, DW-1 and DW-2 and setting aside Evidence close order dated 24/01/2024.

2. Say of other side is called. Say of original plaintiff filed his say and contended that, chief examination of PW-1 conducted on 20/07/2023 thereafter matter is adjourn on 27/07/2023, 05/08/2023, 08/08/2023, 14/08/2023 and 23/08/2023 but no cross examination conducted. However, cross examination started 23/08/2023 but thereafter no further cross examination conducted and matter is adjourn to 05/09/2023, 16/09/2023, 06/10/2023, 19/10/2023, 01/11/2023 and 03/11/2023 but no cross examination is conducted. Hence, no cross examination order was passed on 03/11/2023.

Thereafter PW-2 was examined on 30/11/2023 no cross conducted by defendant no. 1 the matter is adjourn 07/12/2023, 16/12/2023, 21/12/2023, 05/01/2024, 18/01/2024, 24/01/2024, 31/01/2024 and 08/02/2024. On 08/02/2024 application at Exh. 151 for setting aside no cross order is filed, said application is allowed costs of Rs. 500/-. But defendant no. 1 failed to comply this order. Hence, matter is adjourn on 11/03/2024, 21/03/2024, 30/03/2024, 01/04/2024, 08/04/2024, 12/04/2024,

19/04/2024, 24/04/2024 but said order not comply. Hence Argument heard and matter is now posted for judgment. Hence, this application is not tenable. Already sufficient opportunity is given to defendant no. 1. Defendant no. 1 is intentionally avoiding to conduct matter. Hence, application be rejected.

Say of defendant no. 5 filed his say and contended that, considering the conduct of defendant no. 1 application be rejected with heavy costs.

3. Perused. Heard. From record it appears that, sufficient time was granted to defendant no. 1 to cross examine PW-1, PW-2 , DW-1 and DW-2 but he failed. Hence, No cross order was passed and Evidence was closed. On last day arguments were heard and matter was posted for judgment and now this application is filed. Present case is instituted in 2018 and plaintiff is senior citizen and defendant no. 1 is intentionally and without sufficient cause causing delay in conducting the trial. Therefore, this application deserves to be rejected with heavy costs of Rs. 1,500/- payable to the plaintiff on next date without failed. Hence, I pass following order:-

ORDER

1. Application is hereby rejected subject to costs of Rs.1,500 /- (One Thousand Five Hundred Only) payable to the plaintiff on next date without failed.
2. Pronounced and dictated in open court.

Sd/-

Date: 30.04.2024

(M.D.Birhari)
Civil Judge, Junior Division,
Ardhapur.

CERTIFICATE

I affirm that the contents of this [P.D.F.](#) file order are same, word to word, as per the original order.

Name of the Jr. Clerk: A.V.Shahane.

Court of : CJJD and JMFC, Court No.01, Ardhapur.

Date of pronouncement of Judgment/Order : 30.04.2024.

Judgment/Order signed by the Presiding Officer : 30.04.2024.

Judgment/Order uploaded on : 30.04.2024.