

RCS No.99/2022
Sharad -VS- Krushna

ORDER BELOW EXH.36
(Passed on 13/06/2025)

This application is filed by the defendant for setting aside no cross order passed on 12.03.2025 below Exh.17, none appeared on behalf of defendants. Heard Adv. Shri. Pudke for the plaintiff. Perused application and say.

2. Present suit is filed by the plaintiff for removal of encroachment, declaration and injunction. The evidence of the plaintiff is filed on 27.09.2023. The no cross order was passed on 12.03.2025. Today also none appeared on behalf of defendants.

3. Advocate for the plaintiff is present. Considering the reasons mentioned in the application and the nature of the suit as defendants has filed written statement on record, he has to put up his defence by way of cross-examination. But considering the filing date of the evidence and the pendency of the matter since then for the cross-examination, the delay caused by the defendants for taking cross-examination is required to be compensated in the terms of cost.

4. I have perused the plaint. It seems that plaintiff is 66 years old on the date of the filing of the suit. This shows that the plaintiff is senior citizen. Hence, considering these reasons and for giving a proper chance to put the defence to the defendants, the

application is allowed subject to cost. Hence, I pass following order.

- ORDER -

- 1] The application is allowed subject to cost of Rs.500/- to be paid to the plaintiff on or before next date.
- 2] Defendant is directed to take cross-examination of the plaintiff on next date after payment of cost without fail, otherwise this application will be treated as rejected.
- 3] Plaintiff is directed to remain present on next date without fail.

Kamptee

Date : 13/06/2025.

(Mohan R. Kamat)
Civil Judge, Junior Division,
Kamptee.