

R.C.S. No.161/2012
Kisnabai .vrs. Suryaprakash

ORDER BELOW EXH.159
(Passed on 3rd January, 2020)

1] Defendant No.6 to 10 filed application to set aside no cross order dt.15.9.2018. They submitted that they filed their Written Statement, thereafter they could not remain in contact with their counsel. He did not provide them proper information. Therefore, no cross examination order has been passed. Defendants are common persons and does not have knowledge about procedure. If application is allowed, no harm will cause to plaintiff. Plaintiff suppressed material facts from the court.

2] Plaintiff filed his say and opposed the application. He submitted that plaintiff completed his examination in chief on 3.7.2017. In spite of ample opportunity, present defendant failed to cross examine the plaintiff. On 13.5.2019 plaintiff expired and her legal heirs came on record. This application filed with intent to prolong the matter. Defendants have knowledge of death of Kisnabai. Her Death Certificate is on record. Hence, pray for rejection of application.

3] I have gone through the record. Heard learned counsel for plaintiff Mr. M. M. Meshram. Counsel for Plaintiff filed Death Certificate of original plaintiff on 28.6.2019. Defendants already was on record. They filed their Written Statement vide Exh.142 on 31.7.2018. Therefore, in such circumstances it can be infer that present application is not filed with bonafide intention. I am of view that it is filed with intent to protract this matter. Therefore, application require to be rejected with heavy costs. Hence, I pass following order :-

ORDER

Application is rejected with costs Rs.5,000/-.

Umrer.
Dt.03/01/2020