

**R.C.S. 23/2021**

*Meera Shende*  
v.  
*Haridas and Ors*

**ORDER BELOW EXH 50**

Present application is filed for setting aside “No Cross” order passed against defendant No 1 on 08/10/2025.

2. Perused the application. It is stated that the defendants did not intentionally remain absent on the date when an order of “No cross” was passed against the defendants. The Counsel for Defendant suffered from illness and was advised bed rest and therefore could not appear before the Court. Hence it is prayed that the order be set aside and the defendant be permitted to conduct cross examination of the Plaintiff. The application is supported by affidavit.

3. Plaintiff filed his reply (Exh 51). It is mentioned that the contents in the application are not correct. It is mentioned that the Defendant No 1 has not produced any documents in support of the reason mentioned in the application. It is further mentioned that the defendant has not conducted the cross examination of the Plaintiff intentionally. Hence it is prayed that the application be rejected. In alternate defendant be directed to pay cost to the Plaintiff.

4. Perused the record. Heard Learned Advocate for both the parties. Record shows that despite opportunity the defendant did not appear on the date fixed for cross examination of the Plaintiff. On the said date when none appeared, an order of “No cross examination” was passed. Suit is filed for specific performance of contract. The Plaintiff filed her affidavit in lieu of examination in chief (Exh 36) on 23/01/2025.

5. In order to reach to the crux of the issue and for final adjudication of the matter, substantial evidence of the witness, that is the evidence subjected to cross examination needs to come on record. Considering the civil rights of the parties, and in the interest of justice a fair opportunity needs to be given to the defendants to put up their case by way of cross examination. The conduct of cross examination of witness shall not cause prejudice to the Plaintiffs, instead it shall facilitate in reaching a final decision. The grievance raised by the Plaintiffs can be addressed by saddling of costs on the defendants. In view of the above discussion, I pass the following Order:

**ORDER**

1. Application is allowed.
2. Order of “No cross Examination” dated 08/10/2025 is hereby set aside.
3. Defendants to pay a cost of Rs 200/- to the Plaintiffs.

Date: 25/11/2025

(A.A. Shirvalkar)  
Joint Civil Judge Junior Division  
Ramtek.