

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, RAMTEK.

Spl.C.S. No. 28/2023
Durgabai vs Narad

Order below Exh. 84
(Passed on 23rd day of April, 2024)

The defendant No. 1 and 2 have filed an application for setting aside no-cross examination order dated 11.03.2024. Ld. Advocate of the defendant No. 1 and 2 has submitted that due to health issue, earlier counsel of defendant was absent, therefore, Court was pleased to pass no-cross examination. Ld. advocate of defendants further submitted that defendants have valuable interest in the suit property, therefore, no-cross examination order be set aside.

2. On the other hand, Ld. Advocate of plaintiff has submitted that application is strongly opposed and be rejected.

3. Heard both sides. I must mention here that the reason given by defendant No. 1 and 2 is not just. However, in order to decide the suit on merit and in the interest of natural justice, defendant No. 1 and 2 are required to be given fair chance to defend their case. Therefore, no-cross examination order passed on 11.03.2024 is required to be set aside subject to cost of Rs.700/-. Hence, I proceed to pass following order.

ORDER

- 1) Application is allowed, subject to cost of Rs. 700/-.
- 2) Costs be given to the plaintiff after payment being made.

Ramtek.
Date : 23.04.2024

[S.M. Sarode]
Civil Judge Senior Division,
Ramtek.