

**IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, RAMTEK.**

LAR No.94/2005  
Mallavarapu Vs. The Chairman

**Order below Exh.38**

The non-applicant no.1 to 4 have filed an application for recalling witness/ setting aside no cross examination order, passed below Exh.23 dated 3/04/2025. Ld. Advocate of the non-applicant no.1 to 4 has submitted that on 3/04/2025 the counsel for non-applicant was not well and officers of the concerned office were engaged in the official work at Mumbai, therefore, non-applicants and their counsel could not remain present on the last date. Ld. advocate of the non-applicants has further submitted that, non-applicants have good case and they want defend their case, therefore, witness may be recalled or no-cross examination order may be set aside.

2. On the other hand, Ld. Advocate of applicant has put his strong objection.

3. Heard both sides. I must mention here that the reason given by non-applicants is not just. However, in order to decide reference application on merit and in the interest of natural justice, non-applicants are required to be given fair chance to defend their case. Therefore, order dtd. 3/04/2025 is required to be set aside subject to cost of Rs.200/-. Hence, I proceed to pass following order.

**ORDER**

- 1) Application is allowed, subject to cost of Rs. 200/-.
- 2) Costs be given to the applicant after payment being made.

Ramtek.  
Date : 09.04.2025

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