

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, RAMTEK.

LAR No.38/2005
Rajkumar V. The Chairman

Order below Exh.39

The non-applicant no.1 and 4 have filed an application for recalling witness/setting aside no cross examination order, dated 17/07/2025. Ld. Advocate of the non-applicant no.1 and 4 has submitted that due to personal reason and work reason, he could not appear on the fixed date and the Court was pleased to pass no cross-examination order. Ld. advocate of non-applicant no. 1 and 4 has further submitted that in the interest of natural justice, no cross-examination order be set aside and witness be recalled.

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

3. Heard both sides. It needs to mention here that the reason given by non-applicant nos. 1 and 4 is not entirely just. However, in order to decide reference application on merit and in the interest of natural justice, non-applicant nos. 1 and 4 are required to be given fair chance to defend their case. Therefore, order dtd. 17/07/2025 is required to be set aside subject to cost of Rs.300/-. Hence, I proceed to pass following order.

ORDER

- 1) Application is allowed, subject to cost of Rs. 300/-.
- 2) Costs be given to the applicant after payment being made.

Ramtek.
Date : 31.07.2025

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