

New Spl.C.S. No. 36/2025  
Old Spl.C.S. No. 880/2020  
Shashikala Vs. Surekha

**ORDER BELOW EXH. 65**  
(Passed on 06.01.2026)

By the instant application, defendant No.1 to 3 prayed for setting aside no-cross order dated 19.12.2025 and for permitting the defendants to cross examine the plaintiff.

2. It is contended by the defendants that, prior to the passing of the "no-cross" order, the counsel for the defendants was present but the court on leave. However, on 19.12.2025, the counsel could not appear before the court due to ill health, and consequently, the court passed the "no-cross" order. The defendants have a good case on merits and are likely to succeed in their claim. The defendants are ready to cross-examine the plaintiff by requesting that the "no cross" order be set aside.

3. The application is strongly opposed by the plaintiff. It is contended by the plaintiff that since last three dates the case is fixed for cross-examination and in spite of the said fact, the defendants failed to cross-examine the plaintiff. Today also they moved application and left the court. The plaintiff came from Nagpur and today also she is present for cross-examination. Thus, the application is devoid of any merits and liable to be rejected, if allowed subject to heavy costs of Rs. 1,000/-.

4. Perused the record. The defendants specifically contended that, due to the ill health of their counsel, he could not attend the court, and therefore, an order was passed against them. It appears that on 30.09.2025, further examination-in-chief of the plaintiff was recorded and on the said date the cross-examination of the plaintiff was deferred on the oral request of the defendant's counsel. On the next date the court was on leave and on 19.12.2025 due to absence of the counsel, no cross order came to be passed.

5. It appears that on 19.12.2025 the plaintiff was present for her cross-examination by the defendants. Today, also the plaintiff is present for her cross-examination. It appears that after moving the instant application in the morning, the counsel for defendants left the court and then did not turn to the court despite repeated callings. It is expected that the counsel should remain to show their readiness to cross-examine the witness. However, considering the reason of ailment of the counsel, for having an opportunity to the defendants, the fact that there is no long delay in moving the instant application and considering the valuable right of cross-examination, permission to cross-examine the plaintiff needs to be granted. However, the fact cannot be neglected that the plaintiff is remaining present for cross-examination and she is coming from Nagpur, therefore, she needs to be compensated. In the result, I pass the following order:

### **ORDER**

1. Application is hereby allowed subject to costs of Rs.600/-.

2. The defendants are permitted to cross-examine the plaintiff.
3. The defendants are directed to cross-examine the plaintiff on next date. In case of failure, necessary order will be passed.

Date : 06.01.2026

(M.Z.A.A.Q. Quraishi)  
Civil Judge Senior Division,  
Katol

**CERTIFICATE**

I affirm that the contents of this P.D.F file of order are word to word, as per original order.

Name of Stenographer : P. T. Mandale (Steno-Gr. II)  
to, Civil Judge (Sr.Dn.),Katol.