

MHNS140000802009



**ORDER BELOW EXHIBIT 134 R.C.S. NO. 10/2009**

**Shri. Sahebrao Kadam Vs. Shri. Sanjay Nikam**

**(Passed on 03/01/2026)**

Present application is filed by the defendant nos. 1 to 3 for set aside “No Cross” order.

2. It is submitted that, these plaintiffs have filed application for no cross set aside order at Exh.72. The say also filed on the said application however, order has not been passed therefore this plaintiff unable to cross examined plaintiff. As this suit is filed in respect of ancestral property of the defendant therefore there is necessity to cross examine this plaintiff. It will help to court to decide suit on merit. Therefore taking into consideration the application below exh. 72 present application be allowed.
3. Plaintiff filed say on the present application a very same date stating therein that, Learned Advocate for the defendants and defendant absent for long period. Hence, the present application is not tenable hence liable to be rejection.
4. Heard. From the perusal of the record, it appears that, the suit filed in the year 2009 for setting aside decree passed in RCS

No. 51/2007. As no cross conducted till 06/12/2023 hence no cross order passed against these defendant. But at the same time as these defendants have now shown the willingness to cross examine the witnesses therefore to decide the matter on merit once for all, it seems necessary to give one chance to these defendants to cross examine the witnesses. At the same time it is necessary to take into consideration year of the case it is to old hence this application allowed on the basis of imposing condition upon these defendants that, they will present and conduct cross examination of the plaintiff as and when directed by this Court and also compensate the plaintiff for the delay caused by these defendants and for the expenses incurred to witness to remain present for cross examination. Hence, I pass following order.

**Order**

1. Application of these defendants is allowed subject to payment of cost of Rs. 1500/- to be paid to the plaintiff on or before next date.
  
2. Both parties hereby directed to remain present before the court regularly on every date fixed by this court without fail and proceeds with case expeditiously.

( Ashwini A.Pandit )

Joint Civil Judge, Junior Division,

Date :- 03/01/2026

Dindori (MH03260)