

Order below Exh. 71

1. Present application is filed by the defendant Nos.2 and 3 for permitting them to cross-examine the plaintiff. Contention of the defendant that, no written statement order was passed against the present defendant. But, they are adopting the written statement of defendant No.1. Therefore, defendant prayed to cross-examine the plaintiff as per written statement filed by defendant No.1 vide Exh. 20, they be permitted to cross-examine plaintiff as per written statement Exh. 20 and on the law point.

2. Perused the application. Heard both side. It is the matter of record that, no-written-statement order was passed against defendant Nos.2 and 3 dtd. 07/07/2011 and 04/01/2011 respectively. Said no written statement order against these defendant is till today not setting-aside is also the matter of the record. So, without filling written-statement on record, the party could not put his defence. He is only entitled to cross-examine plaintiff on the law point and only for the denial. Above principle is well settled law and without filling written statement party could not able to put his defence. Therefore, defendant Nos.2 and 3 are not entitled to cross-examine plaintiff as per the written-statement filed by defendant NO.1 vide Exh.20. But, they are only entitled to cross-examine plaintiff on law point and denial. Considering above observations, application is partly allowed.

Yeola, Dist. Nashik,
Dated : 07/01/2014

sd/-
Civil Judge, J.D., Yeola