

MHOS070030952023

Order below Exh. 24 in R.C.S. No. 808/2023.

1] The present application moved by the defendant to set aside no cross order passed against him.

2] It is mentioned that the suit is proceeded as No cross against defendant. Plaintiff has given evidence of self and his witnesses. The defendant failed to cross-examine them, therefore suit proceeded with order of No cross-examination. Defendant prayed to set aside the same.

3] Plaintiff has filed his say on application itself and mentioned that the suit filed in the year 2023. The opportunity availed by defendant for cross-examination. Therefore prayed to costs of Rs. 3000/- on defendants.

3] Perusal the application and say. Heard both sides. As consider nature of suit, it is instituted for Perpetual Injunction. The valuable right are involved in the suit for plaintiff and defendants. The record shows that defendant failed show due diligence about cross-examination of plaintiff and his witnesses. The opportunity could not affect either party. Hence, it is probable to pass following order.

ORDER

1] Application is allowed subject to cost of Rs. 500/- to plaintiff.

2] No cross order passed set aside after payment of cost.

Omerga
Dt. 06/04/2026

(Geeta P. Bankar)
Jt. Civil Judge, J.D., Omerga.