

ORDER BELOW EXH. 175 L.A.R. NO.30/2008
(CNR NO: MHRT040004172008)
(Arvind Agharkar (deceased) Vs. S.D.O., Belapur)

1. The present application is filed by power of attorney holder of legal heirs of deceased Laxmi Vishnu Dhopat and other tenants seeking to set aside the 'no cross' order passed against them. It is contended that the opponent Sameer Krushnani Karmarkar filed his evidence affidavit at Exhibit 111. However, due to death of their Advocate U.M.Talathi, they could not know about the further status of case. The court passed no cross order on 08.12.2023. If the said order is not set aside, tenants would cause irreparable loss. Hence, prayed to allow the application.

2. Applicant objected the application by filing say stating that the application is belated. Application is filed after two years. No specific reason is mentioned. Hence, prayed to reject the application. The claimant resisted the application by filing say at Exh.177 contended that application is false and frivolous. The power of attorney Subhash Vishnu Dhopat was present on all dates. He has appointed the Advocate M.M.Sagvekar and Advocate Talathi before the death of Advocate U.M.Talathi and the opponent deliberately hide the said fact from the court. Only to prolong the matter, present application is filed. The reason mentioned is wrong and illegal. The matter is pending since 2008. Hence, prayed to reject the application.

3. Perused application and say. Heard. Record shows that cross examination of opponent Sameer Krushnaji Karmar was conducted by claimant on 08.12.2023. However, at that time tenant no.2 and their legal heirs and their Ld. Advocate remained absent. No any adjournment application was filed on record and hence, no cross order was passed against them on 08.12.2023. The

reason mentioned in the application is not satisfactory. However, considering the nature of proceeding which is beneficial nature and in the interest of justice, an opportunity needs to be granted to tenants to take cross examination. It will help to decide the matter on merit. Also, valuable rights of the parties are going to be decided in the matter. If the application is allowed, no prejudice will be caused to other side. Therefore, in the interest of justice, present application deserves to be allowed. Thus, following order: -

ORDER

1. The application is allowed.
2. The 'no cross' order passed on dated 08.12.2023 is hereby set aside, the present applicant is granted opportunity to cross-examine the opponent Sameer Krushnaji Karmarkar on the next date of hearing, without fail. Parties to act accordingly.

Khed.
Date-01.08.2026.

sd/-
(V. G. Patil)
I/c. District Judge-2, Khed.

Certificate

I affirm that the contents of this pdf file order are same word as per original order.
Name of Stenographer : S.K.Inamdar, Stenographer-II

Court Name : District Judge 2, Khed.

Date of Decision : 01.08.2026

Order Signed by P.O. on : 01.08.2026

Order uploaded on : 01.08.2026