

Order Below Exh.114 in RCS No.77/2008:-

Perused application filed by defendant no.2 for setting aside no cross order dated 14-08-2019 passed below Exh.79 i.e. affidavit for examination-in-chief of plaintiff's witness no.1 Smt.Bharati Gangaram Pawar. The plaintiff filed say overleaf Exh.114 stating that no satisfactory reason is given by defendant no.2 for setting aside no cross order dated 14-08-2019. Thus, the plaintiff prayed for rejection of application at Exh.114 as it is filed by defendant no.2 to delay the proceeding of this suit.

02. Heard Ld. Advocate Shri. V.P.Dhavale for the plaintiff and Ld. Advocate Shri.A.M.Kuveskar for defendant no.2. On perusal of record it is seen that the case was posted for cross examination of plaintiff's witness no.1 Smt.Bharati Gangaram Pawar from 06-06-2019 till 14-08-2019. The case is more than ten years old. Thus, there is sufficient reason to show that defendant no.2 is not vigilant in prosecution of present case. It appears that the negligence of defendant no.2 is causing delay to the proceeding of present suit. However, the opportunity needs to be given to defendant no.2 to cross-examine plaintiff's witness no.1 Smt.Bharati Gangaram Pawar. In the circumstances of present case, it would be just to impose the costs on defendant no.2 in order to compensate the delay caused by him. Hence, I am inclined to allow the present application in the interest of justice by imposing costs to compensate the delay caused by the present application. Therefore, I pass following order :-

i] Application at Exh.114 is allowed subject to costs of Rs. 1000/-

(Rupees One Thousand only) payable to the plaintiffs.

ii] The no cross order dated 14-08-2019 passed below Exh.79 passed against defendant no.2, stands set aside on payment of costs.

Place :- Rajapur.

Date :- 12-11-2019

(Madhavi R.Patkar)
Civil Judge, J.D.

Rajapur.

"Judgment/Order in :- Regular Civil Suit No.77/2008

I affirm that the contents of this Pdf file order are same words as per original order.

Name of Stenographer:-Shri.A.B.Patil.

Court Name :- Civil & Criminal Court, Rajapur.

Date of Decision :- 12-11-2019

Judgment signed by P.O. on :- 12-11-2019

Judgment uploaded on :- 04-12-2019 "