

R.C.S.No. 05/2018

Janardan Kubal etc.

Vs.

Makarand Takkar etc.

CNR:MHSI05-0000602018

Order Below Exh. 57

Perused the application and say filed on it by the plaintiffs. Heard both sides. Perused the record. It reveals that the plaintiffs have filed the present suit for seeking relief of declaration, permanent injunction and alternatively recovery of possession of the suit property. Record reveals that my learned predecessor has framed issues at Exh. 25 on 12/02/2019. Record also reveals that plaintiff No.1 namely Janardan Kubal has filed his affidavit in-lieu of examination in-chief at Exh. 26 on 12/06/2019. Record also reveals that on previous date advocate for the defendants namely Shri. B.N.Prabhu remain absent when repeatedly called out. Plaintiff No.1 remain present. His advocate Shri. S.N.Bhanage remain present. The defendants are remain absent. No adjournment application is put on the record by the defendants. Hence, no cross order was passed against the defendants on 29/03/2023. Matter is quite old. Reasons mentioned in the application are not seems quiet just. But, in order to adjudicate the matter on merit, it is necessary to give an opportunity to the defendants for taking cross-examination of plaintiff No.1. At the same time, it is necessary to compensate plaintiff No.1 who was present on previous date. Also, it is necessary to compensate to delay cause to the suit proceeding. Hence, in the interest of justice, I pass the following order -

ORDER

1. The application is allowed subject to cost of Rs.500/- (Rs. Five Hundred only). Defendant No.1 has to pay costs of Rs. 500/- to plaintiff No.1 on or before next date without fail. Upon failure the effect of the present order will be vacated.
2. After compliance of the cost amount advocate for the defendants is permitted to take cross - examination of plaintiff No.1.
3. No cross order dated 29/03/2023 is hereby set aside.

(Pronounced and dictated in the open Court.)

(K.K.Patil)

Date : 23/06/2023.

Civil Judge, Jr.Dn., Vengurla.