

ORDER PASSED BELOW EXH.221

(Passed on 09/12/2025)

The present application has been filed by defendant no.1 to 3 for setting aside 'no cross order' passed against them.

2. It is contention of the defendants that, due to some unavoidable circumstances Ld. Adv. for defendant could not appeared before Court. Therefore 'No cross' order passed against defendants. By this application they prayed for setting aside 'no cross order' passed against them.

3. The plaintiff has filed his say and submitted that, Despite of sufficient opportunity defendants failed to cross examine the witness. Hence, prayed for rejection of the application.

4. Heard both sides.

5. On perusal of record it appears that, the suit is filed for mandatory injunction. The suit is pending for evidence of the plaintiff. The defendant no.1 to 3 failed to cross examine the plaintiff's witness. Hence 'no cross order' has been passed against them. To decide the suit on its merits a fair opportunity needs to be granted to defendant no. 1 to 3 to contest the case of the plaintiff. In view of above reasons, I proceed to pass the following order-

Order

- 1] Application is hereby allowed. .
- 2] No cross examination order passed against defendant no.1 to 3 below Exh. 175 dated 25/09/2025 is hereby set aside subject to cost of Rs.500/-.

Date:-09/12/2025
Sawantwadi

(Jaheda M. Mistry)
Civil Judge Junior Division,
Sawantwadi.