



ORDER PASSED BELOW EXH.42

(Passed on 10/03/2026)

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

2. It is contention of the defendant no.1 that, he has filed W.S. on record. Thereafter he could not visit his Ld. Advocate for providing information and necessary documents. Therefore, he could not cross examine the plaintiff. By this application he prayed for setting aside 'no cross order' passed against him.

3. The plaintiff has filed his say and submitted that, the application is false. The defendant has not mentioned any valid reason for delay. He tried to prolong the matter. Hence, prayed for rejection of the application.

4. Heard both sides.

5. On perusal of record it appears that, the suit is filed for declaration, cancellation of sale deed and permanent injunction. The suit is pending for evidence of the plaintiff. The defendant no.1 failed to cross examine the plaintiff. Hence 'no cross order' has been passed against him. To decide the suit on its merits a fair opportunity needs to be granted to defendant no. 1 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 below Exh. 23 dated 07/04/2025
is hereby set aside subject to cost of Rs.500/-.

Date:-10/03/2026
Sawantwadi

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