

ORDER BELOW EXH 359

Heard learned advocate for the plaintiff and learned advocate appearing on behalf of learned advocate for defendant Nos. 1 to 5 and 7. Perused the record.

2. The present application is filed on behalf of defendant Nos. 1 to 5 and 7 stating that learned advocate Shri S.K. Marathe is unable to remain present before the Court as he is occupied in some other work and, therefore, has sought an adjournment of the matter.

3. Learned advocate for the plaintiff has opposed the application by filing say. It is contended that the application is not bona fide and that the matter is being delayed on one ground or another. It is further submitted that the plaintiff is a senior citizen residing at Mumbai and is suffering from Parkinson disease. According to the plaintiff, he is required to travel along with an attendant and, therefore, repeated adjournments are causing him inconvenience, hardship and additional expenditure. Hence, it is prayed that the application be rejected and costs be awarded to the plaintiff.

4. The record reveals that the suit is of the year 2005 and has remained pending for a considerable period. It further appears that the cross-examination of the plaintiff on behalf of defendant Nos. 1 to 5 and 7 has already been conducted on three earlier dates. However, the said defendants desire to further cross-examine the witness and the cross-examination has not yet been concluded. The right of a party to effectively cross-examine a witness is an important right and, therefore, one more opportunity deserves to be granted in the interest of justice.

5. At the same time, considering the age of the suit, the presence of the plaintiff before the Court today, the inconvenience caused to him due to his travel from Mumbai and the fact that the evidence is required to proceed without further delay, this Court is of the opinion that the

adjournment sought can be granted only upon payment of reasonable costs.

Hence, the following order:

ORDER

1. The application is allowed.
2. Defendant Nos. 1 to 5 and 7 shall pay costs of ₹1,500/- to the plaintiff, who is present before the Court today, on or before the next date of hearing.
3. The matter is adjourned for further cross-examination of the plaintiff.
4. Defendant Nos. 1 to 5 and 7 shall conclude the entire remaining cross-examination of the plaintiff on the next date of hearing without fail.
5. No further adjournment for the purpose of cross-examination of the plaintiff shall be granted except for unavoidable circumstances.

Kankavli
Date: 18/06/2026

(Shubham G. Laturiya)
Civil Judge J.D., Kankavli
JO Code: - MH03297