

Order below Exh No.37

Perused the application and the reply filed thereto. Heard the Advocate representing the parties.

2. Defendant no.1 has moved the present application for setting aside the no cross on the ground that, the advocate of defendant no.1 was suffering from throat infection. Hence, he could not remain present before the Court. Thus, defendant no.1 has prayed to set aside "No cross" order.

3. The plaintiff has resisted the application on the ground that, defendant intentionally prolong the cross. Moreover, no medical document produced on record in support of application. Hence, he prayed to reject the present application. However, if Court come to conclusion to allow the present application then heavy cost of Rs.3000/- be imposed upon him.

4. The plaintiff has filed the present suit for permanent injunction. The plaintiff has filed his evidence affidavit vide Exh.34 on 26-11-2024. The reason provided for setting aside no cross-order is not satisfactory. However, an opportunity to cross-examine the plaintiff should have to be given to the defendant to decide the present case on merit. Therefore, in the interest of justice and to decide the case on merit, it would be necessary to set aside such an order. However, the casual conduct of the defendant no.1 can be saddled with cost. Hence, the order:

ORDER

1. The application at Exh.37 is allowed subject to cost of Rs.500/- to be paid to the plaintiff on or before next date.
2. On due compliance, the order of No cross shall stand set aside.
3. On non-compliance of the said order, the order passed below Exh.No.34 shall remain in force.

Date: 23-01-2025
Sangli

(Shubhangi H. Nalawade)
8th Jt. C.J.J.D,Sangli.

CERTIFICATE

I affirm that the contents of this P.D.F. file are same, word to word, as per original order.

Name of the Stenographer : A.A.Jamadar
Court Name : 8th Jt.C.J.J.D. & J.M.F.C., Sangli.
Date : 23-01-2025
Signed by P.O.on : 24-01-2025
Uploaded on : 24-01-2025