



**Order below Exh. 84 in**  
**Reg. Civil Suit No.177/2014**  
[Anusaya Aambe & Anr. Vs. Sunita Pawar & ors.]

Defendant nos.4, 5 & 10 filed the present application for setting aside the "no cross" order passed against them on 26/02/2024 by this Court.

(2). Plaintiffs resisted the said application by filing their say at Exh.86.

(3). Heard learned advocate Shri. N. K. Samlewale for defendant nos.4, 5 & 10. Whereas, none present on behalf of plaintiffs.

(4). Perused application, say and record and proceeding. The defendant nos.4, 5 and 10 contended that, their earlier advocate Shri. M. H. Nadaf had an eye operation in the month of July - August 2023 and, thereafter, he suffered with a paralytic attack, due to which, he was not able to proceed further in this matter. He requested one advocate Shri. K. A. Mulani to pursue the matter but, the said advocate, due to some personal problem, was not able to remain present for taking cross-examination of the plaintiff. Therefore, the "no cross" order came to be passed against them.

(5). The defendants have also filed the documents pertaining to illness of advocate Shri. M. H. Nadaf below Exh.91.

(6). The present matter is for partition. Every defendant is a plaintiff in a partition suit. The reason given by the defendant nos.4, 5 & 10 seems to be just and genuine one. Granting a chance to cross

examine the plaintiff will not cause any prejudice to the rights of the plaintiffs, on the contrary, it will help this Court to decide the matter in correct perspective. In view of this, the present application deserves to be allowed. Hence, the following order.

**ORDER**

- (1). The application at Exh.84 is hereby allowed.
- (2). The "no cross" order passed below Exh.35 on dated 26/02/2024 is hereby set aside.
- (3). The defendant nos.4, 5 & 10 are permitted to take cross-examination of plaintiff.

Sangli.  
Date:-19/07/2024.

(M.M.Rao)  
Civil Judge Sr.Dn., Sangli.

**CERTIFICATE**

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

Name of Stenographer : G.S.Parve  
Court : Civil Judge Sr.Dn., Sangli  
Date : 19/07/2024  
Order signed by the Presiding Officer on : 19/07/2024  
Order uploaded on : 19/07/2024