

MHSN020017002021

RCS – 265/2021



**Order below Exhibit 42**  
**(Sarjerao Keshavrao Kadam Vs. Ujwala Hemant Lad)**

1. This is an application filed by the defendant praying to set aside the no cross order passed below exhibit 21 against her. The plaintiff has filed his say overleaf of the present application and resisted the present application.
  
2. It would be submitted by the defendant that, her earlier advocate was appointed at Consumer Redressal Forum at Kolhapur. Afterwards, she is appear through the newly appointed advocate. However, due to technical difficulties it was impossible for the new advocate to conduct the hearing upto date. Therefore, no cross order has been passed against her on 07.01.2025. The delay so caused is unintentional and it is necessary to provide an opportunity to defendant to cross examine the plaintiff. Accordingly, defendant prayed for setting aside the no cross order passed against her on 07.01.2025.
  
3. The plaintiff has contended that, the defendant is appearing almost after one and half year. The said delay cannot be neglected. Therefore, plaintiff prayed for rejection of application and in alternative to impose compensatory cost of Rs. 3000/- in case the application is going to be allowed.
  
4. Perused the record. Heard both the sides. It appears from the record that, lastly, defendant was present in court through her advocate on 05.04.2023. Since then, the defendant again appeared on 16.12.2024. Therefore, there is considerable delay on the side of defendant in defending the suit. At exhibit 39/1 the defendant has filed the copy of cause list of District Consumer Dispute Redressal Commission, Kolhapur. If it is taken into consideration the reason forwarded by defendant occurs to be true. But, it is equally important that a party to the litigation should be equally diligent in prosecuting or defending the court case. At the same time, Considering the nature of the suit, it is imperative to have all the facts place before the court to

decide it on merits. Hence, it is necessary in the interest of justice to grant an opportunity to the defendant to cross examine the witness at exhibit 21.

5. However, the delay so caused should be compensated in terms of money to have the equal handed justice. On the point of cost, it is a settled principle that costs shall be realistic and shall serve the purpose. Thus, it would be just and proper to impose cost of rupees 200/- upon the defendant. Accordingly, I pass the following order -

**Order**

1. Application (**exhibit 42**) is allowed
2. No cross order passed against defendant is hereby set aside subject to condition of payment of costs of rupees 200/- to be paid by the defendant to the plaintiff.

**Date – 27/03/2025**  
**Sangli.**

**( Onkar Sanjay Shastri )**  
**11<sup>th</sup> Jt. Civil Judge Junior Division, Sangli.**

**CERTIFICATE**

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

Name of Stenographer :- P D. Tingare, Stenographer  
Name of Court :- **Shri. Onkar S. Shastri,**  
11<sup>th</sup> Joint Civil Judge Jr. Dn, Sangli.  
Date of decision/typed :- 27.03.2025  
Judgment/order signed by the :- 27.03.2025  
PO. on  
Judgment/order uploaded on :- 27.03.2025