

Order below Exh.63 in R.C.S.No.72/2023
(Surekha Wakade Vs. Nihal Sanwar & Ors.)
(CNR: MHSN020004682023)

Defendant No.5 moved this application for setting aside no cross order passed against him on 19.10.2024. According to defendant No.5, he had been out of station for his important work on the day of cross-examination, so, he could not present before the Court. Consequently, no cross order came to be passed against him. He was not intentionally absent. Irreparable loss would be caused to him, if the instant application is rejected. With such submission, defendant No.5 sought the set aside of no cross order.

2. Plaintiff has filed her say overleaf of the application and denied all the contention in toto. She contended that sufficient opportunity has been given to defendant No.5, hence, prayed to reject the application.

3. Heard learned Advocate for both the parties. Perused the record.

4. The plaintiffs has filed the present suit for specific performance of contract dated 23.07.2021 and in the alternative for refund of earnest money of Rs.4,00,000/- from the defendant Nos.1 to 4 along with the interest thereon as compensation. Considering the stage of this proceeding, it appears that defendant No.5 filed this application on 08.11.2024 soon after the passing of no cross order on 19.10.2024. So, there is no much delay in between passing no cross order and preferring this application. Considering this, the no cross order deserves to be set aside on costs. Hence, I pass following order.

ORDER

1. Application is allowed.
2. No-cross order passed below Exh.52 on 19.10.2024 is set aside subject to payment of costs of Rs.100/- to plaintiff on or before next date.

Sangli.
Date:-08.11.2024

(O. S. Shastri)
11th Jt. Civil Judge Jr. Dn., Sangli.

CERTIFICATE

I affirm that the contents of this PDF file are same as per original.

Name of Stenographer :- R. B. Samalewale

Name of the Court :- Shri. O. S. Shastri.
11th Jt. Civil Judge Jr. Dn., Sangli.

Date of decision :- 08.11.2024

Order signed by P.O. on:- 08.11.2024

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