

MHSN050009992007



ORDER BELOW EXH. 282 IN R.C.S. NO. 264/2007

1. The plaintiff filed this application for setting aside 'no cross' order passed on dated 20/12/2024. It is submitted that the due to business work plaintiff was absent on 20/12/2024 therefore it was unable to conduct cross-examination of witness of defendant No.7. It is prayed that, 'no cross' order passed against him may be set aside and he may be permitted to cross examine witness of defendant No.7.

2. The defendant No.7 opposed the application and submitted that as per request of learned advocate of plaintiff, the matter was kept for cross examination of defendant No.7's witness on dated 20/9/2024. But, thereafter he failed to cross examine the witness though adjournment granted to him time to time. The plaintiff is prolonging the proceeding of this suit. Hence, the application be rejected. If allowed, heavy costs may be imposed.

3. On perusal of record the suit is pending for cross-examination of defendant No.7 since 30/8/2024. Thereafter, two times plaintiff's adjournment application was granted. On 20/12/2024, plaintiff application (Exh.280) seeking adjournment for cross examination was rejected and 'no cross' order passed against him. Thereafter, on next date, the plaintiff filed this application to set aside 'no cross' order. In such circumstances, in the interest of fair trial, opportunity has to be given to plaintiff to cross-examine defendant No.7 subject to costs. Hence, order.

ORDER

The 'no cross' order is set aside subject to costs of Rs.300/- (Rupees Three Hundred Only). The costs be paid to the defendant No.7.

Islampur
Date: 14/2/2025

(V. G. Chaukhande)
Jt. Civil Judge, Sr.Dn., Islampur