


<p>MHSN060013722014</p> 	<p>R.C.S. 326/2014 Rajesh Patil @ Anr. Vs. Vishwajeet Gaikwad & Ors.</p>
---	--

ORDER BELOW EXH.80

The present application is filed by defendants for setting aside no cross order passed below the evidence affidavit of plaintiff.

2. It is the contention of defendants that, on last date, the adjournment application of defendants was rejected and no cross order is came to be passed. The valuable rights of the defendants involved in the present suit. Hence, for natural justice, and in order to bring the necessary facts on record, it is necessary to give opportunity to them to cross examine the plaintiff. Hence it is prayed that, no cross order be set aside.

3. The plaintiff filed his say on the application itself and denied the contents of the application. He stated that, the suit is being old of year 2014. On 15.02.2024, by virtue of additional issues, plaintiff filed his additional examination in chief and prior to that on 19.12.2019 he filed his examination in chief affidavit. Since then, the defendant avoided to cross examine the plaintiff, therefore, no cross order is came to be passed against them. In order to harass the plaintiff and to deprive him from his legal rights, the defendants are avoiding to cross examine the plaintiff. Defendants did not give sufficient reason in present application. Hence, he prayed that application may be rejected. In the alternatively, he submitted that, if court comes in conclusion to allow the present application, then application may be allowed by imposing costs of Rs.5000/- to the defendants.

4. Perused application, say and record and proceeding. Heard Ld.Advocate for plaintiff and defendants. The record shows that on 19.12.2019, the plaintiff no.2 has filed his evidence affidavit. Thereafter, on 18.01.2024, by virtue of additional issues, plaintiff filed his additional examination in chief on record and matter is fixed for his cross-examination. Thereafter, on 27.02.2025 no cross order is passed. Thereafter the present application is came to be filed. Reasons stated in the application are justifiable. It is settled principle of law that fair opportunity should be given to both the parties to present and defend their case. The inconvenience caused to the plaintiff can be compensated by way of imposing costs. Hence, I proceed to pass the following order.

ORDER

1	Application Exh.80 is allowed subject to cost of Rs. 1,000/- (Rs.One Thousand) to be paid to the plaintiff on or before next date.
2	No cross order passed below Exh.31 and 69 against defendants be set aside subject to payment of the costs to be paid to the plaintiff.

Miraj
Dt. 28.07.2025

(Smt. P. D.Gaikwad)
2nd Jt. Civil Judge Jr. Dn., Miraj

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	:- Mr. U.P.Patil.			
Name of Court	:- 2 nd Jt. Civil Judge (J.D.) and Judicial Magistrate First Class, Miraj, Dist., Sangli.			
Date of decision / typed	:-	28	07	2025
Judgment/order signed by the P.O. on	:-	28	07	2025
Judgment/order uploaded on	:-	28	07	2025