

Order below Exh.50 in R.C.S.No.66/2011
(Suresh Narale & Ors. V/s. Pandurang Narale & Ors.)
(CNR: MHSN080002982011)

The present application is moved by defendant Nos.1 to 3 for setting aside no cross order passed against them. It is contended that, the plaintiffs have instituted the present suit against the defendants for partition and declaration. Defendant Nos.1 to 3 are illiterate and used to go out of district for cutting of sugar cane crop for their livelihood. Therefore, they could not provide material documents to their Advocate. Due to which, they could not cross-examine the plaintiff and therefore, no cross order came to be passed against them. Hence, prayed to allow the application.

2. The plaintiff has filed the say at Exh.44 and denied all the contention in toto. According to plaintiffs, the defendants have deliberately prolonging the matter to kill the time. No evidence is filed by them, therefore, their evidence is also closed. Therefore, prayed to reject the application with heavy costs.

3. Read the application and say filed by plaintiffs. Heard both sides. Perused the record.

4. It is seen that learned Counsel for defendant Nos.1 to 3 was absent on the day of cross-examination and therefore, he could not cross-examine the plaintiff. Resultantly, 'No Cross' order has been passed against defendant Nos.1 to 3. Earlier application filed by defendant Nos.1 to 3 below Exh.45 for setting aside no cross order passed against them was allowed subject to payment of costs of Rs.600/- to be paid to plaintiff. However, he did not pay the said costs. Thereafter, again defendant Nos.1 to 3 have filed such type of application. Considering the nature of suit, it is necessary to decide the suit on merits, so defendants should get an opportunity in the interest of justice

to cross-examine the plaintiffs. Hence, to meet the ends of justice, I proceed to pass following order.

ORDER

1. Application is allowed.
2. No-cross order passed against defendant Nos.1 to 3 is hereby set aside subject to costs of Rs.400/- (Four Hundred only) to be paid to plaintiff.
3. The defendant Nos.1 to 3 shall also pay earlier costs of Rs.600/- below Exh.45.

Jath.
Date:-05.02.2026

(Prakash C. Bachhale)
Civil Judge Jr. Dn., Jath.

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. Prakash C. Bachhale,
Civil Judge Jr. Dn., Jath.

Date of decision :- 05.02.2026

Order signed by P.O. on :- 05.02.2026

Order uploaded on :- 06.02.2026