

Order below Exhibit. 47 in Regular Civil Suit no. 33/2021
(CNR No. MHSN130000832021)

The present application is filed by the defendant to set aside no cross order passed against her.

2) The defendant contended that on 18.03.2024 the defendant is absent as her health was not good due to old age. Therefore, the counsel for defendant could not conduct the cross-examination. Therefore the court has passed no cross order against the defendant. It is necessary for the defendant to conduct the cross examination. Hence prayed to allow the application.

3) The plaintiff resisted the application contending that the reason mentioned in the application is not true. The defendant deliberately delayed the matter. Hence prayed to reject the application.

4) Read the application and say perused the record. It appears that the plaintiff examined witness no. 1 on 02/01/2024 and no cross order was passed on 18.03.2024. The defendant filed present application on 19/04/2024. Considering the nature of suit, the defendant can not be allowed to go undefended. An opportunity needs to be given to the defendant to put forth her defence in the interests of justice which will ultimately help in adjudicating the matter on merit. However the hardship suffered by the plaintiff can be compensated by imposing cost on the defendant. Accordingly, I pass the following order.

ORDER

- 1) The application is allowed.
- 2) The no cross order passed against the defendant is hereby set aside subject to payment of costs of Rs.200/- (Rs. Two Hundred only) to be paid by the defendant to the plaintiff on or before next date.

Kadegaon
Date : 22.06.2024

(D.S.Sharma)
Civil Judge, (J.D) Kadegaon