



Civil M.A. 7/2022
CNR No. MHSN14000185-2022
Vithu Vs. Raghunath

ORDER BELOW EXH. 31

This is application to set aside No cross order.

2. Heard Ld. Advocate Shri. S.T.Pardeshi for respondent and Ld. Advocate Shri. B.B.Deshpande for applicant at length.

3. I have carefully perused the record. The respondents failed to cross examine witness Mohan inspite granting sufficient and ample opportunity. Therefore, I have proceeded further by passing no cross order dated 19/06/2024.

4. Adverse party has objected reason of accident of learned advocate. It is established that the respondents have prolonged the matter and deliberately caused delay for cross examination. Single day reason is insufficient to establish bonafide. Hence, it is necessary to impose heavy cost. Other side will meet justice. Nature of suit and right and liabilities of the parties need to be considered for final adjudication and decide the right of parties on merit. Accordingly, there is need to grant an opportunity to cross examine witness Mohan.

5. An opportunity is backbone of justice. The procedural of law is hand made of justice. The alleged delay can be compensated in term of money. Granting costs to petitioner will meet justice. If, it allowed at this stage no irreparable loss will cause to anybody. On its

refusal the respondent will face irreparable loss. Hence, I found substance in the application. In result, I pass following order.

ORDER

1. The application is allowed, set aside no cross order dated 19/06/2024 and respondent Nos. 1 to 5 are permitted to cross examine witness Mohan subject to cost Rs. 500/- in the interest of justice.
2. The respondents shall pay the aforesaid cost to the applicant, failing which order will be recalled automatically.
3. Both parties shall expedite the matter.
4. Order dictated on computer and pronounced in open court.

Date : 06/01/2025
Shirala.

(S. A. Surjuse)
Civil Judge Jr. Division Shirala

CERTIFICATE

I affirm that the contents of this P.D.F. file are same word to word as per original order.

Name of Steno	:	A.S.Patil (Steno. Grade-3)
Court Name	:	C.J.J.D. & J.M.F.C., Shirala.
Date	:	06/01/2025
Signed by Presiding Officer on	:	06/01/2025
Uploaded on	:	06/01/2025
