

ORDER BELOW EXH.48 IN
CIVIL MISC. APPLICATION NO.12/2020
(OLD CIV.MISC.APPL. NO.186/2014)

This application is filed by the non-applicant by setting aside 'no cross' order.

02. It is the contention of the non-applicant that, the matter was fixed for cross-examination, however due to domestic problem the non-applicant could not visit his counsel due to which his counsel canceled Vakalatnama in the matter. Thereafter, another advocate was engaged, however he was required to take the information of the matter and therefore no cross order came to be passed against the non-applicant. The non-applicant is ready to conduct the cross-examination of the applicant.

03. It is further contention of the non-applicant that in the original Misc. Appln. No.172/2012 the Court passed the order to issue probate the interest of the present non-applicant are involved in the matter. Therefore, non-applicant prayed that the no cross order passed against him be set aside as he is suffer irreparable loss if the opportunity of the cross-examination is not given to the non-applicant.

04. The applicant filed say below the application and opposed the same by contending that the applicant had filed affidavit of examination in chief below Exh.31 on 05.08.2023. In spite of ample opportunity given to the non-applicant they deliberately avoided to conduct the cross-examination. Therefore, applicant prayed to reject the application.

05. Heard both the sides. Perused the record of the case. I find

substance in the say filed by the applicant as the applicant filed affidavit on 05.08.2023 and no cross order came to be passed against the non-applicant on 29.03.2025. Thereafter, this application for setting aside the said order is filed by the non-applicant on 15.11.2025. Hence, I am of the opinion that it is necessary to impose heavy cost on non-applicant to curtail the tendency of delaying the matter. Further I am of the opinion that, as the cross-examination is the valuable right therefore, it will not be proper to forfeit the same. On the contrary the purpose will serve by imposing heavy cost on the non-applicant and the cost amount can be paid to the applicant in order to compensate for delay. Further, it is necessary to give direction to the non applicant to conduct the matter diligently. Hence, I proceed to pass following order in the interest of justice;

ORDER

1.	Application is allowed subject to cost of Rs.1,000/- (One thousand only) to be paid to the applicant till next date.
2.	Non-applicant is directed to conduct the matter diligently and avoid frequent adjournments.

Place: Vita.
Date: 03.01.2026.

(A. R. Malvade)
Civil Judge Senior Division, Vita,
Tal.Khanapur, Dist.Sangli.

CERTIFICATE

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

Name of Stenographer:	S.V. Gaikwad, (Grade-II)
Court -	Civil Judge, Senior Division, Vita.
Date of pronouncement-	03.01.2026
Order signed by the Presiding Officer on -	03.01.2026
Order uploaded on -	03.01.2026