

Order passed below Exh. 484 in Regular Civil Suit No. 594 of 2012
(old R.C.S No. 424 of 1986)

(Vishwanath Satnak & Ors. Vs. Kashinath Satnak & Ors.)

1. Present application is filed by defendant No.7, for setting aside “No Cross” order passed against him and seeking permission to conduct cross examination of plaintiff. Perused the application and say below it. Perused entire record.
2. As per record, plaintiff's witness Bibhishan Sopan Shinde, has filed his evidence affidavit at Exh.350. In spite of sufficient opportunities, the defendant No.7 failed to conduct cross examination below Exh. 350. Hence, “No Cross” order dated 15.12.2010 came to be passed against defendant No.7.
3. Thereafter, vide Exh. 357 the plaintiff has closed his evidence on 03.01.2011. The defendant No.1 has filed his evidence affidavit at Exh. 360 on 19.01.2011. Since then, matter is fixed for cross examination of defendant below Exh. 360.
4. In the meantime, defendant No.7, produced his additional written statement at Exh. 430 on 06.02.2013. Also, defendant No.10, came to be added in present suit. However, already “NO WS” order is passed against defendant No.10. Also, already no additional issue is framed because of subsequent amendment in present suit. Thereafter, gap

of more than five years, it is not proper to permit the defendant No.7 to conduct cross examination of plaintiff's witness.

5. Present matter is pending for trial since last 30 years. As per record, the defendant No.7, is wife of present plaintiff. Careful reading of additional written statement of defendant No.7, in my opinion, no prejudice would cause to defendant No.7, if she is not permitted to cross plaintiff's witness. Hence, no purpose would serve by allowing defendant No.7 in conducting cross at this late stage of proceeding. On the contrary, if defendant No.7 is permitted to conduct cross then, it will hamper the trial of present old proceeding. Apart from that, no any sufficient reason has brought on record by the defendant No.7 for setting aside "No Cross" order dated 15.12.2010. Hence, if application Exh. 484 is allowed then, it will definitely hamper trial of very old civil litigation. Hence, the order.

ORDER

Application Exh. 484 stands rejected.

Date: 28.11.2016

(V.U. Misal)
Jt. Civil Judge Sr. Division, Barshi.

C E R T I F I C A T E

I affirm that the contents of this PDF file Judgment/Order is same word to word as per the original judgment.

- (a) Name of the Stenographer : Kazi K.M. (Steno L.G)
- (b) Court : Court of Jt. C.J.S.D.
Barshi
- (c) Judgment/Order signed by : 28.11.2016
P.O on
- (d) Judgment/Order uploaded on : 29.11.2016