

ORDER BELOW EXHIBIT-57 IN R.C.S.No. 243 of 2006

Defendant Nos.1 & 2 have filed the present application to set aside no cross order dated 11.01.2018.

2. It is asserted that their learned advocate could not cross-examine the plaintiff for want of old and relevant documents. They went to some other station for religious activities. Hence no cross order was passed against them. It is further asserted that they are ready to conduct the cross examination of plaintiff. They would suffer irreparable loss, if they are not permitted to cross examine the plaintiff. Hence, the application.

3. Plaintiff has filed the detailed say and opposed the application contending that the reason is not legal and proper. Defendants have previously solicited adjournments many times. It goes to show that their intention is to prolong the trial. Plaintiff has, therefore, prayed for rejecting the application. Alternatively, plaintiff has prayed for awarding costs of Rs.10,000/- to them while allowing the application.

4. Perused the record and proceeding. It is seen that no cross order was passed on 11.01.2018. Present application has been filed on 07.03.2018. It is seen that the present application has been filed within a period of two months. Thus, there is no inordinate delay. Suit has not proceeded much further. In such circumstances, an opportunity to cross examine the plaintiff can be given to them by imposing costs. Hence, the application is allowed. No cross order dated 11.01.2018 is set aside and they are permitted to cross examine the plaintiff (P.W.1, Exh.28) subject to costs of Rs.500/- to be paid to the plaintiff.

Date : 05.04.2018

(S.K. Khan)
Jt. Civil Judge (J.D.),
Barshi.

CERTIFICATE

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

Name of Stenographer :

Court Name : S.K.Khan,
Jt.C.J.J.D.& J.M.F.C. Barshi

Date : 05.04.2018

Order signed by the
presiding officer on : 05.04.2018

Order uploaded on : 05.04.2018