

ORDER BELOW EXHIBIT- 49 IN R.C.S.No. 393 of 2009

Defendants have filed the present application to set aside no cross order dated 27.07.2017.

2. It is asserted that they could not remain present before the court on last date of hearing as they were busy in their agricultural work and due to domestic problems. 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. Plaintiffs have filed the 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. Plaintiffs have, therefore, prayed for rejecting the application. Alternatively, plaintiffs have prayed for awarding costs of Rs.5,000/- to them while allowing the application.

4. Perused the record and proceeding. It is seen that no cross order was passed on 27.07.2017 and on the very next date of hearing, defendants have filed the present application. Thus, there is no inordinate delay. An opportunity to cross examine the plaintiff can be given to them by imposing costs. Hence, the application is allowed. No cross order dated 27.07.2017 is set aside and they are permitted to cross examine the plaintiff (P.W.1, Exh.30) subject to costs of Rs.500/- to be paid to the plaintiffs.

Date : 26.09.2017

(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 : 26.09.2017

Order signed by the
presiding officer on : 26.09.2017

Order uploaded on : 26.09.2017