

Order Below Exh. 13

This application is filed by opponent praying to set aside “No Cross” order passed against him.

2. It is contended by the advocate for the opponent that, he had went to Pune for his livelihood. Therefore, he could not cross-examine the applicant. However, it is necessary that, the applicant is cross examined. Hence, prayed to set aside “No Cross” order and be permitted to cross examine.

3. The applicant filed the say stating that, reasons mentioned in the application are false, not proper and felicitous. Opponent is trying to prolong the case. Accordingly, prayed to reject the application. Alternatively, prayed to impose costs.

4. Perused the application and say. Heard both the sides. The present miscellaneous application is filed under Order XXXIX Rule 2A of Code of Civil Procedure. Therefore, considering the nature of the application, it is necessary to give a fair opportunity to cross examine the applicant. So also it is necessary to enable the court to effectually and completely adjudicate upon and settle all the questions involved in the case.

5. Hence, considering the above discussion, it would be appropriate to allow opponent to cross examine the applicant by setting aside “No Cross” order passed against him. There certainly appears delay by opponent and hence the delay caused by him can be compensated by imposing costs on him. Accordingly, following order is passed.

ORDER

The application is allowed and “No Cross” order passed on 26/07/2023 below Exh.10 is set aside subject to payment of costs of Rs.700/- payable by opponent to the applicant on or before next date.

Date - 13/02/2024

(Shubham G. Laturiya)
4th Jt. C.J.J.D., Madha

C E R T I F I C A T E

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

Name of Stenographer	- N. B. Kamurti
Court	- 4 th Jt. CJJD & JMFC, Madha.
Date of order/judgment	- 13/02/2024
Date of order/judgment signed by presiding officer.	- 13/02/2024
Judgment/Order uploaded on	- 14/02/2024