

**R.C.S. No.440/2012
Ajit & Ors. Vs. Amrut & Ors.
CNR No.MHSO170019402012**

ORDER BELOW EXH.66

This is an application by defendant No.3 to set aside 'No cross order' passed against him and to allow him to cross-examine.

2. It is the contention of defendant No.3 that, plaintiff has filed his affidavit-in-lieu of chief-examination. The defendant No.3 ought to have cross-examine the witness. But, he failed to cross-examine the witness. Therefore, 'No cross' order has been passed against him. Now, he is ready to conduct the cross-examination of plaintiff. Hence, he prayed to set aside 'No cross order' passed against them and to set aside 'No cross order' passed against him and to allow him to cross-examine.

3. Sufficient opportunities have been given to the plaintiffs to file say. But, they failed to file say. Hence, the application is proceeded without say.

4. Perused the record, it is seen that, plaintiffs have instituted present suit for partition, declaration and permanent injunction. The plaintiff No.1 has filed his affidavit-in-lieu of examination-in-chief affidavit at Exh.39 on dated 06/09/2018. Sufficient opportunities have been given to the defendant No.3 to cross-examine. But, he failed to conduct cross-examination. Therefore, 'No cross' Order is passed against him on dated 25/10/2018 at Exh.39. However, considering the nature of suit and controversy involved, it would be just and proper to set aside 'No cross' order and to allow defendant No.3 to conduct cross-examination of plaintiff No.1 to decide the matter on merit. The inconvenience caused to the other

side can be compensated by imposing certain costs on the defendant No.3. Hence, the application is allowed and 'No cross' order passed below Exh.39 on dated 25/10/2018 against him is set aside subject to costs of Rs.1,000/- payable Government. The defendant No.3 is directed to cross-examine the witness on next date without fail.

Date - 05/04/2025

(**V. C. Kshirsagar**)
3rd Jt. C. J. J. D., Madha

CERTIFICATE

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

Name of Stenographer	:	N. B. Kamurti
Court Name	:	Smt. V.C. Kshirsagar 3 rd Jt.CJJD & JMFC, Madha
Date of Order/Judgment	:	05/04/2025
Order/judgment signed by presiding officer on	:	05/04/2025
Order/judgment uploaded on	:	07/04/2025