

Spl.C.S. No.11/2016
(CNR No.-MHST05-000_____-2016)

Order below Exh.34

Perused contents of application and say filed. It is contended that defendant's counsel was out of station on previous date and as adjournment application was not filed, so no-cross order came to be passed against him. According to defendant he is a poor person and in view of his defence he should get an opportunity to cross-examine the witness or else he will suffer irreparable loss. According to defendant he has not intentionally avoided to conduct cross-examination, hence, he prayed to allow the application.

2. Plaintiff has raised strong objection on present application, contending that the evidence of plaintiff is adduced on 06/08/2018 and thereafter no-cross was passed on 06/02/2019 and after setting aside same the defendant failed to conduct cross-examination and so again no-cross order is passed. Hence, according to plaintiff present application is not tenable.

3. Heard both sides. Considering contention put forth by defendant and in order to decide suit on merit, in the interest of justice opportunity needs to be afforded to defendant but subject to costs for causing delay. Hence, following order.

ORDER

No cross order be set aside subject to cost of Rs.500/- be given to plaintiff.

Date:- 25/01/2022
Place:-Karad

(Smt.S.Y.Deshmukh)
2nd Jt. Civil Judge, Sr.Division, Karad.