

Spl.C.S. No.49/2014.
Sahyadri Sahakari Sakhar
Karkhana Ltd., Vs. Manoj Ghorpade
& Ors.
CNR NO.MHST-05-000423-2014.

Order Below Exh.61

Present application is filed by defendants to set aside no cross order passed against them. It is contended that, the concerned defendant no.1 is in M.C.R. and so unable to meet their counsel and give them relevant information and documents. Due to this reason their counsel is unable to conduct the cross-examination. Even the other defendant no.2 and 3 were out of station and so, they had also not provided relevant information to their counsel. As such the inability to conduct cross-examination is due to above reason and it is not intentional. Further, to decide suit on merit it is important that an opportunity be granted to the defendants. Hence, defendants are prayed to set aside no cross order passed against them.

02. On present application plaintiff has taken strong objection by contending that the application is false one. Even on the previous date no cross order was set aside and opportunity was given to the defendants. But, in spite of it they have purposely avoided to conduct the cross-examination. The defendants by this delaying tactics are giving trouble to the plaintiff. Hence, plaintiff has prayed to reject the application.

03. Now, it is a matter of fact that on 25/03/2022 similar

application for setting aside no cross order was moved on same ground which was allowed subject to costs. But, after payment of costs the defendants again failed to conduct the cross-examination. The reason assigned by the defendants are not satisfactory. But, even then in the interest of justice one last opportunity needs to be granted to the defendants so as to decide the suit on merit but subject to costs for causing delay:-

ORDER

- 1) No cross order set aside subject to costs of Rs.1500/- be given to plaintiff.

Karad.
Date :- 22/07/2022.

(Smt.S.Y. Deshmukh)
2Nd Jt. Civil Judge Senior Division,
Karad.