

ORDER BELOW EXH.41 IN R.C.S. No. 2/2020

The present application filed by defendant for setting aside “no cross order” dated 28.01.2025 below Exh.39.

2] The defendant submits that due to their absence in Court they could not cross examined the plaintiff. They reached late in the Court. The valuable rights of the defendant is involved in the suit. Therefore, it is necessary to cross-examine the plaintiff. He is ready to take cross-examination. Therefore, he prayed for setting aside of “no cross order”.

3] The plaintiff opposed the application on the ground that defendant is trying to prolong the matter. There is no sufficient reason given in the application. Hence, he prayed for rejection of the application.

4] Heard both sides. No cross order has been passed on 28.01.2025. The present application is filed on 08.04.2025. But the valuable rights of the defendant are involved in the present suit. The opportunity of right to defend needs to be given to the defendant.

5] For proper adjudication of this suit and for avoiding multiplicity in the proceeding it is necessary to give opportunity to defendant. It is also necessary to saddle costs on him. Therefore, I pass following order.

ORDER

The application is allowed subject to costs of Rs.500/- payable to the plaintiff.

sd/-

Place : Dahiwadi.
Date : 10.06.2025.

(S. S. Gadve)
Civil Judge Jr. Dn., Dahiwadi