

ORDER BELOW EXH. 36 IN R.C.S. NO.23/2009
(KALPANA CHAVAN v. SARJERAO CHAVAN AND ORS.)

Learned advocate for plaintiff filed present application seeking adjournment due to absence of the plaintiff.

02. Learned advocate for defendants strongly resisted present application by filing say thereon. Heard learned advocates for both parties, at length.

03. Learned advocate Shri. I.B.Mulla appearing on behalf of the plaintiff submitted at bar that, the plaintiff could not remain present before the Court due to illness of her relative. Hence, he submitted that, matter may be adjourned for cross-examination of the plaintiff.

04. On the contrary, learned advocate Shri. R.J.Gaikwad appearing on behalf of defendants submitted at bar that, since 11.01.2016 the matter is cross-examination of the plaintiff. Furthermore, reason mentioned for adjournment is not proper. Hence, he submitted that, the application may be rejected.

05. On perusal of record and proceeding it appears that, the plaintiff filed her affidavit-in-lieu of examination-in-chief vide Exh.21 on 15.04.2013. Thereafter, on 02.07.2013 after further examination-in-chief of the plaintiff, the matter was adjourned for her cross-examination on oral request of learned advocate Shri. R.J.Gaikwad. On 07.07.2014, defendants and their learned advocate Shri. R.J.Gaikwad remained absent for conducting cross-examination of

the plaintiff. Hence, 'no-cross' order came to be passed against defendants, which came to be set aside as per order below Exh.26 dated 26.08.2014. Thereafter, ample opportunities have been given to both parties for taking effective steps and conducting cross-examination of the plaintiff. Considering the age of the matter, delay caused by both parties, reason mentioned in the application and submission of both learned advocates, matter is adjourned as a last chance subject to cost of Rs.200/- payable to defendants. Both parties are directed to take effective steps for conducting cross-examination of the plaintiff and to dispose of the matter expeditiously. Accordingly, the application is disposed of.

Karad.

Date: 27.06.2016

(Balasaheb S. Gaikwad)
6th Jt. Civil Judge, Jr. Division,
Karad.