

ORDER BELOW EXH.25

The defendants have filed the present application for setting aside the order of proceeding 'without cross-examination' of the plaintiff's witness passed on exhibit 18 dated 04/12/2024.

02. The contentions of the defendants are that the plaintiff had told to them that they will withdraw the suit. The defendants were under the conception that plaintiffs will withdraw the suit accordingly. However, the plaintiffs filed affidavit of witness, and obtained the order of proceeding without cross examination.

03. The plaintiffs opposed the application. The plaintiffs submitted that the contentions of the defendants are false. The application is filed only to prolong the proceedings of the case. There is no reason to allow the application. Hence, prayed for rejection of the application and alternatively for heavy costs.

04. The record discloses that the order of proceeding 'without cross-examination' of the plaintiff's witness was passed on 04 February, 2024 at Exhibit 18. Thereafter, today, the instant application has been filed. Considering the circumstances and nature of the case and reasons given by the defendant, my considered view is that there is a reasonable cause to grant an opportunity to the defendant. Resultantly, the following order is passed:

ORDER

The order dated 04 February, 2024 at Exh.18 of proceeding, 'without cross-examination' of the plaintiff's witness is set aside subject to the cost of Rs.250/- (Two Hundred Fifty Only).

(A.G.Deshmukh)

Civil Judge Senior Division, Wai
(Dist- Satara).

Wai

Date: 08.08.2025