

ORDER BELOW EXH. 143 IN R.C.S. 171/2015

- 1] Defendant moved the present application for adjournment.
- 2] Plaintiff has objected the application on the ground that defendant deliberately prolonging the matter. He further submitted that the cross-examination is part-heard in first session. The learned advocate for defendant is absent in second session. He further drawn my attention towards the negligence of defendant. He read over the *roznama* since 16.08.2016. He further submitted that defendant also not complied the earlier direction of the Court. Therefore he submitted that application shall be rejected.
- 3] Defendant no. 1 Aasif Dhanani is present alongwith learned advocate Shri. Jayesh Patil. It appears that the application is rejected, the suil will not be decided on merit. Therefore, in order to, decide suit on merit, application needs to be allowed.
- 4] The conduct of the defendant from *roznama* reflects that matter was adjourned several times due to fault of defendant. Therefore, while allowing the application, sufficient cost needs to be imposed on defendant. Defendant Aasif Dhanani is present in the Court, I inquire him about his earning source. He submitted that he having two wheeler show room and earning Rs. 25,000/- per month. Considering the said income, the cost in the operative part is imposed. Accordingly, I pass the following order.

**ORDER**

- 1] Application is allowed subject to costs of

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Rs.6,000/-.

- 2] Out of the cost amount, Rs. 3,000/- shall be paid to the DLSA, Thane through this Court and rest of the amount be paid to plaintiff.
- 3] The opportunity of further cross-examination will be given after payment of the costs on or before next date. Failure to pay the cost on or before next date, the matter will proceed without further cross-examination.

Palghar  
Date : 26.06.2018

Sd/-  
(D. U. Dongare)  
Jt. Civil Judge, S.D.  
Palghar.

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