

CNR NO. MHWR090000122014



IN THE COURT OF CIVIL JUDGE (JUNIOR DIVISION), KARANJA GHA.
(Presided Over by Diksha D. Vighne)

Regular Civil Suit No. 31/2013

Shri. Ramesh Vishwasrao Dongare,

----- Plaintiff

-Versus-

Shri. Vishwasrao Sitaram Dongare + 8

----- Defendants

Order Below Exh No.95

(Passed on 04/04/2026)

This is an application for setting aside no cross examination order passed below Exh.87 on 13.02.2025 against defendant no.9.

2. Perused application and say thereon. Heard both sides. It is seen that on 13.02.2025 plaintiff had examined defendant no.1 as plaintiffs witness no.2 below Exh.87. On that day defendant no.2 to 9 and their respective advocates were not present and due to this reason no cross examination order was passed against defendant no.2 to 9. Thereafter, defendant no.9 had filed application for rejection of plaint below Exh.90 which was decided on 11.11.2025. It is stated in the application that from 10.02.2025 to 18.02.2025 learned advocate for defendant no.9 was suffering from intermittent fever with weakness and she was not in a position to appear before court for cross examination. It is settled principle that at the time of deciding application for setting aside no cross examination order the reason for absence on the date of passing of order needs to be consider. The

reason of absence on the date of passing of order is ailment of learned advocate for defendant no.9. The reason of ailment is a reasonable ground for setting aside no cross examination order. However, delay has caused for filing this application and due to this delay in the proceeding has caused. However, the same delay can be compensated by imposing certain cost. Thus, considering aforesaid reason, I pass following order.

ORDER

1. Application is allowed subject to cost of Rs. 500/- payable to plaintiff by defendants no.9.
2. Order of no cross examination dated 13.02.2025 passed below Exh. 87 is set aside.
3. Defendant no.9 is directed to take step for calling PW-2 Vishwasrao Sitaram Dongare for cross examination.
4. Payment of cost is a condition precedent.

Date: 04.04.2026

(Diksha D. Vighne)
Civil Judge (Jr.Dn.),
Karanja Gha.