

ORDER BELOW EXH.57 IN R.C. S. No.40/2022
Dilip Wankhede Vs. State of Maharashtra Through Collector & Others
(CNR No.MHWS020001612022)

Defendant Nos.1 and 2 have filed this application for permission to conduct cross examination of plaintiff.

2. It is submitted that the evidence of plaintiff is closed without cross examination by the defendant Nos.1 and 2. The Court has passed no cross examination order. Defendants have filed their written statement on record and it is necessary to take the cross examination of the plaintiff. If the permission for taking the cross of plaintiff is granted then no prejudice will cause to the plaintiff. If the permission is not granted then defendants will suffer irreparable loss. Therefore, prays to allow the application.

3. Say of plaintiff was called. The plaintiff has filed say and strongly opposed the application. In the case on 04/04/2025 no cross order is passed against the defendants. Plaintiff is present on every date but the defendants are intentionally prolonging the case. The present matter is of the year 2022. Therefore, prays to reject the application with costs.

4. Heard both the sides. It appears that it is the contention of defendant that on 17/06/2025 on examination of record it is found that no cross order was passed, therefore, they have filed the present application. It appears from the record that no cross order was passed on 04/04/2023 i.e. prior to two years. Certainly, the defendant Nos.1 and 2 are representing state of Maharashtra. Therefore, admittedly, they

are being represented by government pleader. Therefore, it is clear that the defendant Nos.1 and 2 are duly represented. Still for a period of two years the defendant Nos.1 and 2 have not conducted cross examination of the plaintiff. Therefore, no cross order was passed by my learned predecessor. Therefore, the defendants have filed this application. Still with a view to grant the opportunity for defending themselves it is necessary to grant a permission for examination by setting aside no cross order. However, as there is delay and laches on the part of defendants it will be just and proper to saddle the costs. So that the plaintiff can be compensated at least to some extent. Hence, I pass following order-

ORDER

Application is allowed subject to costs of Rs.500/-

Washim.

Date:- 30/09/2025.

(S. S. Sahasrabudhe)

Civil Judge (Sr. Div.), Washim.

C E R T I F I C A T E

I affirm that the contents of this PDF file judgment/order are same word to word, as per original judgment/order.

- 1) Name of Stenographer :- S. V. Dere (Stenographer G-III)
- 2) Name of Court :- Civil Judge (S.D.), Washim.
- 3) Date :- 30/09/2025
- 4) Order signed by the :- 30/09/2025
presiding officer on
- 5) Order uploaded on :- 01/10/2025