

ORDER BELOW EXH.104 IN RCS No.222/2015

Kasturibai Vs. Gajanan & Others

Defendant No.1 has filed this application for directing the plaintiff to cross-examine the defendant No.2 prior to cross-examination by the defendant No.7. It is submitted that plaintiff and defendant No.2 are in collusion with each other. It is also submitted that in view of order passed below Exh.35 the defendant No.2 was already directed to lead his evidence prior to evidence of defendant No.7. Under this circumstances it is necessary to give the direction to the plaintiff to cross-examine the defendant No.2 prior to cross-examination by the defendant No.7.

2] On perusal of contents of plaint and the written statement of defendant No.2 which is at Exh.26 it can be gathered that the defendant No.2 has not seriously disputed several facts pleaded by the plaintiff. Therefore, certainly it can be easily gathered that the interest of the plaintiff and defendant No.2 is itself at least to some extent though it can not be inferred that there is collusion in between them. Therefore, considering this fact I found substance in the contention of defendant No.7 that directions are necessary to the plaintiff to conduct cross-examination of defendant No.2 prior to cross-examination by the defendant No.7. Therefore, I pass following order -

ORDER

1] The application is allowed.

2] The plaintiff to conduct cross-examination of defendant No.2 prior to starting his cross-examination by the defendant No.7.

Washim.

Date:- 01/01/2026.

(S. S. Sahasrabudhe)

Civil Judge (Sr. Div.), Washim.

CERTIFICATE

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 :- 01/01/2026
- 4) Order signed by the
presiding officer on :- 01/01/2026
- 5) Order uploaded on :- 02/01/2026