

MHWS020009572022



**ORDER BELOW EXH.15.**  
(Madhuri Vilas Ingole Vs. Vilas Uttam Ingole)

The present application is filed by defendant for setting-aside no cross order passed below Exh.11 and 12. As per the plaintiff, on last date for want of information and documents, his advocate unable to cross examine the defendant and his witnesses and no cross order is passed. Accordingly, defendant prayed for setting-aside no cross order.

2] The plaintiff resisted the application by filing say on the overleaf of the application contending that, the reasons given in the application is not appropriate and correct. Sufficient opportunity is granted to defendant. However, defendant has avoided to cross examine plaintiff and his witnesses.

3] I have heard learned Adv.G.T.Kamble for plaintiff and learned Adv.G.V.More for the defendant at considerable length, and have gone through record of the suit.

4] Admittedly, the present suit is for civil maintenance. In view of reasons in the application and in the interest of justice, it will be proper to allow the present application in order to avoid technical difficulties and unnecessary harassment to the parties, to prevent the multiplicity of proceeding and for just decision of case on merit. Furthermore, no prejudice would occasion to plaintiff, if the application is allowed. Having regard to nature of the proceeding & contents of this application, I have no hesitation to hold that this application deserves to be allowed.

As far as question of delay is concerned, it can be compensated by awarding costs to the plaintiff. In the result, following order is passed:

**ORDER**

- 1) Application (Exh.15) is allowed subject to costs of Rs.200/- and 'No cross order below Exh.11 and 12 is hereby set-aside. Case be fixed for cross examination below Exh.11 and 12.
- 2) Parties to the proceeding shall take note of this order.

Date: 08/05/2024

( G.M. Charankar )  
Jt. Civil Judge Senior Division,  
Washim.

**CERTIFICATE**

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

- 1) Name of Stenographer :- N.F.Syed (Stenographer, Grade-III
- 2) Name of Court :- Jt. Civil Judge (S.D.), Washim.
- 3) Date of order :- 08/05/2024
- 4) Order signed by the :- 08/05/2024  
presiding officer on
- 5) Order uploaded on :- 08/05/2024