

ORDER BELOW EXHIBIT 46 IN R.C.S. NO.55/2019**(Mo. Yusuf and ors. Vs. Mo. Ismail and Ors.)**

1. This is an application made by defendant no.1 Mohammad Ismail to set aside no cross order passed against him. Plaintiffs have filed their say on the application itself.

2. Heard. Read the application and say. Perused the record and proceeding. The plaintiffs adduced their evidence an affidavit as PW-02 namely Noorbano Mohammad Ibrahim vide Exh.40 and matter was posted for cross examination of said witness. But defendant no.1 failed to take cross examination of said witness hence, no cross order passed on 19/06/2024. It appears that this is a suit for partition and separate possession. Despite giving sufficient opportunity to defendant no.1 failed to take cross-examine of PW-02, hence no cross order passed against defendant no.1. But now the defendant no.1 is seeking liberty to take cross examine to PW-02 by setting aside no cross order.

3. It is well settled that opportunity of natural justice should be given to everyone. It is also well settled that no one should be condemned unheard. In order to enable the court to effectively decide the matter, it is necessary to set aside no cross order passed against said defendant no.1. It is therefore, necessary in the interest of justice to allow the application.

Order

- 1) The application is allowed Subject to cost of Rs. 200/- (Two hundred only) to be paid to the PW-02.
- 2) The cost shall be paid by defendant no.1 on or before next date, in case of failure the application will stand rejected.

Sd/-

Date : 25.11.2024

(Khwaja C. Kalal)
Jt. C.J.J.D., Mangrulpir,
Tal. Mangrulpir, Dist. Washim.

CERTIFICATE

“ I affirm that the contents of this P.D.F. file order are same word for word as per original order.”

Name of Steno : Shri. Gadge C.R. (Grade – III)

Court Name : Shri. Khwaja C. Kalal,
Jt. C.J.J.D. & J.M.F.C., Mangrulpir

Date of Order : 25/11/2024

Order signed by presiding : 25/11/2024
officer on

Order uploaded on : 25/11/2024