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| MHWS080002202015<br> | <b><u>Sau. Jayshree Purushottam Kale ..Vs..</u></b><br><b><u>Smt. Shobha Kisan Chavhare</u></b><br><b><u>ORDER BELOW EXH.57 IN R.C.S.</u></b><br><b><u>NO.19/2015</u></b> |
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Plaintiff No.1 has filed this application for passing no cross order against the defendant No.03.

**2] Contents of this application, in nutshell, are as follow :-**

The plaintiff No.1 has filed the present suit for declaration, partition, separate possession and permanent injunction. According to the plaintiff No.1, the defendant No.03 deliberately not taking cross examination. He further stated that, the plaintiff's evidence is at Exh.32, the Advocate for the defendant No.1 and 2 has completed the cross-examination. The Advocate for defendant No.3 has started the cross-examination of plaintiff, yet not completed it. The Advocate for the defendant No,3 is deliberately avoiding to conduct the cross-examination. Therefore, it is necessary to pass no cross order against defendant No.3. with this he prayed for allowing the application.

**3]** The defendant No.3 has filed his say on overleaf of this application. The defendant No.3 stated that, the application is opposed. It is not as per law. The defendant No.3 has filed application for rejection of plaint at Exh.56 and it is pending. With this, He has prayed that this application being devoid of merits is liable to be rejected.

**4]** Heard the Ld. Advocate for defendant No.03, defendant No. 1 & 2 and the advocate for the plaintiff at considerable length,

and have gone through record of the suit.

5] In present suit the defendant No.03 has started the cross-examination of the plaintiff meanwhile he has filed the application below Exh.56 for rejection of plaint which is pending. The suit is for declaration, partition, separate possession and permanent injunction. Which is pending for cross-examination of plaintiff by defendant No.3. In the interest of justice opportunity require to be given to defendant No.3 to conduct the cross-examination. Moreover, to decide the matter on merit and to avoid multiplicity of proceeding, further to avoid delay in proceeding of this suit, opportunity require to be given to defendant No.3 to conduct the cross-examination. As stated by the plaintiff in his application the defendant No.3 is deliberately causing delay conducting cross-examination can be curtail by giving direction to the defendant No.3 to conduct the cross-examination on next date without fail.

6] Thus, in the light of aforesaid discussion, I have no hindrance to hold that the present application being bereft of merits is liable to be rejected. With this, I proceed to pass the following order ;

**ORDER**

- 1) Application Exh.57 stands rejected.
- 2) The defendant No.3 is directed to conduct the cross-examination of the plaintiff on next date without fail.
- 3) Parties to the suit shall take note of this order.

Risod.  
Date : 19/06/2026.

Sd/-  
(**Shri. Kiran D. Lukde**),  
2<sup>nd</sup> Jt. Civil Judge, (J.D.), Risod.

**CERTIFICATE**

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

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|---------------------------------------------|---|------------------------------------------------------------------|
| Name of the Stenographer                    | : | B. V. Bhisade                                                    |
| Name of the Court                           | : | <b>Shri.Kiran D. Lukde,</b><br>2 <sup>nd</sup> Jt. C.J.J.D.Risod |
| Date                                        | : | 19/06/2026                                                       |
| Order signed by the<br>presiding officer on | : | 19/06/2026                                                       |
| Order uploaded on                           | : | 19/06/2026                                                       |