



1. This is an application filed by defendants for setting aside no cross order dated 11.07.2023 passed against them.
2. The plaintiff by filing say overleaf of the application and strongly opposed. There is no concrete reason mentioned in the application. Hence, prayed to reject the application.
3. Heard, learned advocate for plaintiff and learned advocate for the defendants. They have submitted their argument as per the application and say respectively.
4. Perused the record, application, say and proceeding.
5. The no cross order has been passed due to absence of the defendants and their learned advocate. The matter is regarding declaration and possession in respect of immovable property. The interest of the parties needs to be protected. The cross-examination is the way to defend the matter. Due to absence of defendant, the advocate for defendant could not proceed further. Due to non appearance of advocate need not to affect on the merits of the case. The reasons mentioned in present application is found bona-fide. Thus, it is necessary to grant the opportunity to cross-examine the witness.

Considering the circumstances, it is necessary to allow the defendants to cross-examine the witness to decide the case on merit. The delay caused by the defendants can be cured by imposing costs. Hence, application is liable to be allowed, I pass the following order :-

ORDER

1. No cross-examination order dated 11.07.2023 passed against the defendants is hereby set-aside, subject to costs of Rs.300/-.
2. Defendants permitted to cross examine the plaintiff.
3. Cost is condition precedent.
(Dictated and pronounced in open Court).

Place : Malegaon
Date : 26.09.2023

(Pravin U.Kulkarni)
Jt. Civil Judge (J.D.) Malegaon
Dist. Washim.

CERTIFICATE

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

Name of the Stenographer	: Shivam B. Patange (L.G.)
Court & Judge Name	: <u>P.U.Kulkarni</u> , Jt. C.J.J.D and J.M.F.C, Malegaon.
Date of Order	: 26.09.2023
Order signed by the Presiding Officer on	: 27.09.2023
Order uploaded on	: 27.09.2023