

MHWS10008542022



ORDER BELOW EXH.34 PWDVA NO.29/2022

Tarabai Devkate VS. Rameshwar Bajad

Passed on 18th Day of July, 2024

01. By way of this application, the non-applicant is craving to set aside the no cross order passed against him.

02. It is the contention of the non-applicant that, the no cross order is passed on 25.09.2023. The non-applicant was out of station and the necessary document was not available with him. Therefore, due to this reason he was unable to conduct the cross examination. If the permission is granted then no prejudice would cause to the applicant. On the contrary, if the no cross order is not set aside and permission is not granted then the non-applicant may suffer irreparable loss. Hence, no cross order may kindly be set aside.

03. The applicant has filed his say and submitted that, the reason is not plausible. The interim maintenance order has been passed on 09.08.2023. The affidavit of the applicant is filed on 08.03.2023. Since then, he has not approached to his advocate. This reason is not the plausible reason. Hence, prayed to reject the application.

04. Heard both sides. The applicant has filed her affidavit in lieu of examination-in-chief on 08.03.2023. No cross order has been passed on 25.09.2023. The applicant is old age lady. The non-applicant by filing this application praying for setting aside the no cross order. This application has been filed after the delay of near

about eleven months. The main application is for various reliefs. The non-applicant is not diligent in proceeding the main application. Due to the delay of the non-applicant has suffered. At the same time, it needs to be considered that the opportunity to cross examine the witness is also necessary to unearth the truth. Thus, the delay caused by the non-applicant can be compensated by imposing costs on him. Hence, the following order :-

ORDER

01. No cross order dated 25.09.2023 is hereby set aside subject to costs of Rs.1000/- (In words One Thousand Rupees only).
02. Cost be paid to the applicant.
03. Dictated and pronounced in the open court.

Place : Malegaon
Date : 18.07.2024

[Pravin U.Kulkarni]
Jt. Civil Judge (J.D.) Malegaon
Distt.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 : Jt. C.J.J.D. and J.M.F.C., Malegaon.
Date of Order : 18.07.2024
Order signed by the
Presiding Officer on : 18.07.2024
Order uploaded on : 18.07.2024