



ORDER PASSED BELOW EXH.54.

(CNR No.MHWS110010142025)

Sateshwar Nagorao More (since deceased) Thr. his L.Rs.

Vs. Manik Ramrao Bhagwat & Anr.

1] This is an application filed by defendants for setting aside order of no cross examination passed on 25/04/2025 below **Exh.20** against them and also for grant of permission to take cross examination of the plaintiff's witness by recalling P.W.1 i.e. plaintiff No.1-A.

2] Perused application and say given on the overleaf of this application by learned advocate for plaintiffs. Heard both learned advocates appearing for respective parties.

3] Learned advocate for defendants has submitted that plaintiffs have filed instant suit for specific performance of the contract. The matter was fixed on 25/04/2025 for taking cross examination of P.W.1 i.e. plaintiff No.1-A. However, on that day learned advocate for defendants could not remain present and take cross examination of PW-1 for the reasons mentioned in the present application. Thus, no cross order came to be passed against defendants. Therefore, it is necessary to set aside said order of no cross and to permit defendants to take cross examination of plaintiff's witness P.W.1 i.e. plaintiff No.1-A by recalling her in the interest of justice otherwise defendants would suffer injustice. Hence, learned advocate for defendants has prayed for grant of this application.

4] On the contrary, learned advocate for plaintiffs has

strongly objected this application on the ground that the defendants are deliberately prolonging the matter in spite of having knowledge that evidence affidavit of plaintiff's witness i.e. plaintiff No.1-A came to be filed on 04/10/2024. Moreover, defendants have been given much opportunity to take cross examination of plaintiff's witness P.W.1 i.e. plaintiff No.1-A but they deliberately avoided to do so only with a view to prolong the matter. Hence, learned advocate for plaintiffs has prayed for rejection of this application by saddling the heavy costs upon the defendants.

5] I have perused record and considered the submissions of learned advocates appearing for respective parties. The present suit is for specific performance of contract. It appears from the record that defendants were given sufficient opportunity to conduct the matter by taking cross examination of plaintiff's witness P.W.1 i.e. plaintiff No.1-A but they failed to avail said opportunity. However, it is the principle of natural justice that the matter is required to be decided on merits. Therefore, I think it just and proper to grant one more chance to the defendants to take cross examination of plaintiff's witness P.W.1 i.e. plaintiff No.1-A in the present matter positively. At the same time, it is also necessary to impose some realistic costs on the defendants to compensate the inconvenience suffered by plaintiffs due to negligence on the part of defendants. Hence, following order is passed.

ORDER

- 1) Application is allowed subject to costs of Rs.300/- to be paid by defendants to the plaintiffs.

- 2) Order of no cross examination passed on 25/04/2025 against the defendants is set aside and plaintiff's witness P.W.1 i.e. plaintiff No.1-A is recalled for cross examination.
- 3) Defendants and their learned advocate are directed to expedite the matter without seeking adjournment.

Date - 25/03/2026.

(S. W. Thombre)
Civil Judge, (Sr.Dn.),
Karanja (Lad).

CERTIFICATE

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

- 1) Name of Stenographer :- S. P. Kale (Stenographer G-III)
- 2) Name of Court :- Civil Judge (S.D.), Karanja.
- 3) Date :- 25/03/2026
- 4) Order signed by the
presiding officer on :- 25/03/2026
- 5) Order uploaded on :- 25/03/2026