

ORDER BELOW EXH.72

(Passed on 01.12.2025)

The present application is filed by the defendant No.1 for setting aside no-cross order passed against him on 05.05.2025 below Exh.38. It is contended by the defendant No.1 that, defendant No.1 are in continuous negotiations with each other regarding settlement. On 05.05.2025, the settlement between plaintiff and defendant No.1 was under consideration, therefore, defendant No.1 did not cross examine the plaintiff and no cross order came to be passed. There was no deliberate intention to prolong the matter. With this, prayed to allow the application.

2. The plaintiff strongly objected the present application by say overleaf the application on the ground that, matter is for cross-examination since 05.05.2025. The defendant No.1 did not informed the Court about the settlement. Lastly, prayed to reject the application with costs.

3. Perused record. Heard both sides. The matter is more than 5 years old. On the perusal of record it reflects that, the examination-in-chief of the plaintiff was completed on 03.01.2025 and since then it is for the cross-examination by the defendant No.1. The conduct of the defendant No.1 shows that, the he is deliberately trying to prolong the matter. But in order to give fair chance to the both the sides and in the interest of justice, I proceed to pass the following order :

ORDER

1. The application below Exh.72 is allowed.
2. The no-cross order passed against the defendant No.1

on 05.05.2025 is set aside subject to cost of Rs.500/- to be paid to legal aid on or before next date.

3. Both the parties are strictly directed to proceed with the matter without seeking any further adjournment.

Nagpur.
Date:- 01/12/2025

sd/-
(Reena S. Rai)
17th Jt. Civil Judge (Sr.Dn.) &
A.C.J.M., Nagpur.