

MHSN020009502021



ORDER BELOW EXH. 75 IN CIVIL MA No.112/2021
(Bharti Patil & Ors v. Gautam Khot)

This is an application submitted by respondent for setting aside the order of forfeiture of right of conducting cross examination below the evidence at Exh. 71. According to him, his learned advocate was busy in some other matters. Perused the say of applicants at Exh.76 against this application. According to respondent, sufficient time was given to applicants. He claimed rejection of this application.

2. Heard the learned advocates of both sides. The case is very old. Considering the fact that, the learned counsel was busy in some other matters, the gravity of inaction on the date of cross examination becomes softened. The respondent shall promptly conduct cross examination of witness at Exh.71. CPC is handmaid of justice, in the interest of justice an opportunity, application deserves to be allowed. In my opinion, to compensate the delay costs is required to be imposed. In the outcome, I proceed to pass the following order.

ORDER

The order dated 03/04/2024 against respondent below Exh.71 stands set aside subject to costs of Rs.500/- (Five Hundred only) in lump-sum to be paid to applicants.

Date :- 13/06/2024

(Wahab A. Syed)
2nd Jt. Civil Judge Junior Division,
Sangli.

CERTIFICATE

I affirm that the contents of this PDF file are same as per original.

Name of Stenographer :- A.P.Patil.
Name of the Court :- 2nd Jt. CJJD, Sangli.
Date of decision :- 13.06.2024
Order signed by P.O. on :- 13.06.2024
Order uploaded on :- 13.06.2024