CNR NO.MHSCA20068872009

IN THE COURT OF SMALL CAUSES, AT MUMBAI

Order below Exhibit No. 54
IN
R.A.E. Suit No. 1429 of 2009

1. Smt. Kshama Haresh Mehta & Ors. … Plaintiffs

Versus

1. Abdul Adam Baig (deceased)
1(a) Khurshida Abdula Baig & Ors. … Defendants.

Mrs. Shagufta Matani, Ld. Advocate for the plaintiffs.
Mrs. Vidya Bandekar, Ld. Advocate for defendants.

Coram : Smt. R.M. Chavan,
Judge, C.R. No.14
Date : 08.07.2025.

ORAL ORDER :

The present application is filed on behalf of defendants to set aside 'no cross' order passed against them.

2. It is averred by defendants that on 23.04.2025 the matter is for cross-examination of P.W. No. 1, however, due to personal difficulty of their ld. Advocate, she was unable to attend the Court. The adjournment application filed by them is also rejected and closed further cross-examination of P.W. No. 1. The defendants prayed to set aside the said order.

3. By filing reply, the plaintiffs resisted the application on the grounds that no sufficient ground is made to set aside the order dated 23.04.2025. No documentary evidence is annexed to the application.

Lastly it is prayed to reject the application with costs.

4. In this matter, since 29.07.2024 P.W. No. 1 is under cross-examination. Thereafter, he was cross examined on 10.10.2024. On 23.04.2025 P.W. No. 1 was present. On that day the holding advocate for the defendants filed adjournment application Exh.53, which was rejected and 'no cross' order is passed.

5. Be that as it may, considering the reason mentioned in the application, nature of the suit and the reliefs claimed therein, in the interest of justice and to deal with matter on merits, defendants should be given an opportunity to cross examine P.W. No. 1. For inconvenience and delay, the plaintiffs should be compensated with costs. Accordingly, following order is passed :-

ORDER

1. Application (**Exhibit- 54**) is allowed subject to payment of costs of Rs. 1,000/- (Rs. One Thousand Only) to be paid by defendants to P.W. No. 1 or deposit in the Court on or before next date.

2. The order dated 23.04.2025 passed against defendants is hereby set aside and they are permitted to cross examine P.W. No. 1 after payment of costs.

Digitally signed by CHAVAN RAJITA MAHESH
Date: 2025.07.08 17:35:47 +0530

[R.M. Chavan]
Judge, [Court Room No.14]
Court of Small Causes, Mumbai.

Date : 08.07.2025.