
(2015) 04 RAJ CK 0207
In the Rajasthan High Court
Case No : Civil Writ Petition No. 4159 of 2015

Kamal Sawansukha

APPELLANT

Vs

Civil Judge (Jr. Div.) and Others

RESPONDENT

Date of Decision : 20-04-2015

Acts Referred:

Citation : (2015) 2 CDR 721 : (2015) 3 WLN 541

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : Rajendra Choudhary, for the Appellant

Final Decision : Disposed off

Judgement

Arun Bhansali, J.

1. This writ petition is directed against the order dated 07.02.2015 passed by the trial court, whereby on the date when the plaintiff was present before the court for cross-examination, on account of the fact that the counsel for the defendant was not available and the junior counsel did not want to cross-examine the plaintiff, the trial court closed the right to cross-examine the plaintiff. Without going into the merits of the contentions raised, it is agreed that the respondent No. 2, present in person that he would remain present before the trial court on 29.04.2015, on the said date irrespective of filing of any application or pendency of any applications filed by the defendant, the plaintiff would be cross-examined by the defendant on payment of cost of Rs. 7,500/- to the plaintiff.

2. It is made clear that in case the defendant fails to cross-examination the plaintiff on 29.04.2015 and/or make payment of cost, no further opportunity shall be granted to the petitioner.

3. It is submitted that the next date fixed in the matter for the defendant's evidence is 07.05.2015, it is also made clear that the defendant would produce his evidence on the said date already fixed by the trial court. With the above

directions, the order dated 07.02.2015 to the extent of closing the cross-examination of the plaintiff is set aside and the writ petition filed by the petitioner stands disposed of accordingly.