

HIGH COURT OF CHHATTISGARH, BILASPUR

CR No. 127 of 2015

- Ajit Singh S/o Late Mota Singh, Aged About 84 Years R/o Ramnivas Talkies Road, Raigarh, Chhattisgarh, Through Power Of Attorney Holder Samarjeet Singh, S/o Ajit Singh, Aged About 55 Years, R/o Gandhi Chowk, M.G.Road, Raigarh, Chhattisgarh

Applicant/Non-Applicant

Versus

- Savitri Devi W/o Late Baijnath Agrawal, R/o Gandhi Ganj, Raigarh, Tahsil And District Raigarh, Chhattisgarh

Non applicant./Applicant

For applicant	:	Shri Varun Sharma, Advocate
For Respondent	:	Shri Rakesh Pandey, Advocate

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

28/01/2016

With the consent of the parties the revision is heard finally.

2. Challenge in this revision is to the order dated 5.12.2015 whereby right of the applicant/tenant to cross examine the witnesses of the non applicant has been closed.
3. Counsel for the applicant submits that on 28.11.2015 last opportunity was granted to the applicant but as he was not well, on 5.12.2015 he failed to appear before the Court. He submits that it would be in the interest of justice if one last opportunity may be given to the applicant to cross examine the witnesses of the non applicant subject to payment of cost.
4. Counsel for the non applicant has no objection to this proposition of the counsel

for the applicant.

5. Considering the facts and circumstances of the case the order impugned is set aside and the applicant is permitted to cross examine the witnesses of non applicant subject to payment of cost of Rs. 5000/- to the non applicant. It is made clear that only one opportunity would be granted by the Court below and thereafter the right of the applicant to cross examine the non-applicant's witnesses shall stand closed if he fails to do so on the next date.

6. Revision is thus allowed.

Sd/-

(Pritinker Diwaker)
Judge