

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 455 of 2016

- Tulsi Bai D/o Siriram, Aged About 50 Years R/o Balodabazar, Tahsil Balodabazar, At Present Dhabadih, Tahsil Balodabazar, District Balodabazar Bhatapara (Chhattisgarh).

---- Petitioner

Versus

- Raj Kumar S/o Baisakhuram Satnami, Aged About 40 Years R/o Purani Basti, Balodabazar, P. H. No. 77 - A, Balodabazar, District Balodabazar Bhatapara (Chhattisgarh).

---- Respondent

For Petitioner

Mr. Shrawan Kumar Chandel, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

1/8/2016

1. Heard.
2. By the impugned order, the trial Court has rejected the petitioner's application under Order 17 Rule 1 of CPC and has closed her right to cross-examine the plaintiff's witnesses on the ground that the Appellate Court has passed directions which are binding on the trial Court .
3. It is argued by learned counsel for the petitioner that on the date when the matter was fixed for recording evidence of plaintiff's witnesses, the defendant's Senior Counsel Mr. S.S. Chandel has suffered paralytic attack, therefore, he could not appear and the

newly engaged counsel was not fully posted with the facts of the case .

4. Considering the submission made by learned counsel for the petitioner, ends of justice would be served if the writ petition is disposed of by giving one more opportunity to the petitioner to cross-examine the plaintiff's witnesses.
5. Accordingly, the writ petition is disposed of with a direction that the trial Court shall fix a fresh date for cross-examination of plaintiff's witnesses, on which date, the defendant shall cross-examine all the witnesses produced by the plaintiff
6. In the event, the defendant fails to cross-examine the plaintiff's witnesses, on the date fixed, this order shall lose its efficacy and the trial Court would be at liberty to proceed further in the matter.

Sd/-

Judge

(Prashant Kumar Mishra)

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