

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 560 of 2016

- Dwarikadhish Sahu S/o Late Shivrathi, Aged About 42 Years R/o Village Bijor, Police Station Sarkanda Bilapur, Tahsil & District Bilaspur (Chhattisgarh)

---- Petitioner

Versus

- Rakesh Soni S/o Shri Shivratan Soni, Aged About 44 Years R/o Gondpara Bilaspur Tahsil & District Bilaspur (Chhattisgarh)

---- Respondent

For Petitioner

Mr. KA Ansari, Senior Advocate with
Mr. R.L. Bajpayee, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

19/9/2016

1. Heard.
2. The petitioner/defendant is aggrieved by the impugned order, whereby, the trial Court has closed his right to cross-examine the plaintiff's witnesses.
3. Referring to the order dated 05.07.2016 passed by this Court in WP(227) No.334 of 2016, Mr. KA Ansari, learned Senior Counsel for the petitioner, would submit that although this Court had earlier directed the trial Court to conclude the trial within an outer limit of 06 months, however, the petitioner's failure to cross-examine the plaintiff's witnesses occurred on account of

his personal difficulty, because, on the date when the case was fixed for examination of the plaintiff's witnesses, he was not present in the Court as he had gone out for his own medical check up and this fact is recorded in the impugned order itself.

4. Considering the entire facts' situation of the case and the equitable stand taken by the petitioner in the earlier writ petition i.e. WP(227) No.334 of 2016, it appears the ends of justice would be served if the petitioner is granted one more opportunity to cross-examine the plaintiff's witnesses.
5. At this stage, learned Senior Counsel for the petitioner, would submit that the petitioner is a disabled person by birth, therefore, cost may not be imposed on him and it may not be imposed also for the reason that it was due to his personal difficulty, he could not remain present before the trial Court, which necessitated the impugned order.
6. In view of the above, the writ petition is disposed of with a direction that the trial Court shall grant one more opportunity to the petitioner for cross-examination of the plaintiff's witnesses. The earlier order, fixing time limit for disposal of the suit, shall remain intact.

Sd/-

Judge

(Prashant Kumar Mishra)

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