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HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (227) No. 515 of 2016**

Sanjay Kumar, son of late Ramnarayan Verma, aged about 42 years, resident of village Giroud, Tahsil Raipur, District Raipur (C.G.) present address House No.295, Pragati Nagar, Risali, Bhilai 2A, Street No. 2, Bhilai, District Durg (C.G.) Non-applicant

---- Petitioner**Versus**

Santoshi Verma, wife of Sanjay Kumar Verma, aged about 36 years, resident of village Bharwadih, post office Risda, Police Station and Tahsil Baloda Bazar, District Baloda Bazar, District Baloda Bazar – Bhatapara (C.G.)..Applicant

---- Respondent

For Applicant: Mr. Purunendra Khichariya, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****05/01/2017**

(1) The petitioner is defendant before the trial Court in a Civil Suit. Ex parte order dated 16.07.2014 was set aside and the petitioner was granted time to cross-examine plaintiff and his witnesses and case was fixed on 26.07.2016, on which date he could not cross-examine the plaintiff and his witnesses as the petitioner and his counsel could not reach to the Court and the application under Order 19 Rule 2 of the CPC was rejected and the case of the fixed for evidence of the defendant.

(2) Taking into consideration the facts & circumstances of the case and the fact that cross-examination of the plaintiff and witnesses are necessary for just decision of the civil suit, this Court is of the opinion,

the writ petition deserves to be allowed and the petitioner ought to have been granted further time to cross-examine the plaintiff and his witnesses. The plaintiff & his witnesses will be examined on the date fixed by the trial Court.

(3) Accordingly, the writ petition is allowed to the extent indicated above subject to payment of cost of ₹10,000/- payable to the respondent/plaintiff.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-