

HIGH COURT OF CHHATTISGARH, BILASPUR
WP(227) No. 277 of 2019

Smt. H. Laxmi D/o Shri Shankar Aged About 46 Years W/o Shri Hanu-
 mant Rai Appa, R/o House No. 234, Street No. 6B, Smriti Nagar,
 Junwani, Durg, Tahsil And District- Durg, Chhattisgarh.

---- **Petitioner**

Versus

1. Kanti Lal R. Desai S/o Late Ranchhor Aged About 67 Years.
 2. Jitesh Kumar Patel S/o Shri Kanti Lal R. Desai Aged About 44 Years.
 3. Smt. Manisha Patel W/o Jitesh Patel Aged About 39 Years.
- All are R/o Plot No. 55/14, Babadeep Singh Nagar, Supela, Bhilai,
 Tahsil And District- Durg, Chhattisgarh.
4. Deleted.

---- **Respondents**

For petitioner	:	Mr. Anurag Jha, Advocate.
For respondent	:	None present.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

04/07/2019

1. By the impugned order dated 06.03.218, the defendant's opportunity to further cross-examine the plaintiff's witness No. 1 namely Kanti Lal R. Desai has been closed.
2. Mr. Anurag Jha, learned counsel for the petitioner/defendant would submit that the trial Court is absolutely unjustified in rejecting the prayer of the petitioner/defendant to cross- examine the plaintiff's witness No. 1.
3. I have heard counsel for the petitioner and perused the impugned order.

4. A careful perusal of the impugned order would show that though on 6.3.2018, defendant - Smt. H. Laxmi was present in the trial court and matter was called up for hearing for seven times but neither defendant nor his counsel appeared before the trial Court for further cross-examination and, therefore, opportunity to cross-examine the plaintiff's witness No. 1 was closed by the impugned order, which is strictly in accordance with law in which I do not find any illegality or perversity warranting interference under Article 227 of the Constitution of India as despite opportunity having been granted, defendant did not cross-examine the plaintiff's witness. That apart, there is delay of one year in filing the writ petition, but no satisfactory explanation has been given by the petitioner for such delay of one year, thus, I do not find any jurisdictional error in the impugned order warranting interference under Article 227 of the Constitution of India.
5. Accordingly, the writ petition fails and is hereby dismissed.
No costs.

Sd /-

(Sanjay K. Agrawal)
JUDGE

J/-