

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 667 of 2021**

1. Sunil Chandra Yadu S/o Ramswaroop Yadu Aged About 37 Years.
2. Ramswaroop Yadu S/o Late Buturam Yadu Aged About 65 Years.
3. Saraswati Yadu W/o Ramswaroop Yadu Aged About 61 Years.

All are R/o Plot No. A/16, Senchury Cement Colony, Pt. Dindyal Upadhyay Nagar, Daganiya Raipur, District Raipur (Chhattisgarh) At Present R/o Block No. B-5/12, Chouhan Green Valley, Infront Of Shankracharya College, Khamhariya Road, Junwani Bhilai, Tahsil And District Durg (Chhattisgarh).

4. Priti Yadu W/o Naveen Kumar Yadu Aged About 31 Years R/o 85/12 Sohan Green Gali, Khamhariya Road, Junwani, Bhilai, P.S. Pulgaon, Tahsil And District Durg (Chhattisgarh).

---- Petitioners**Versus**

- Smt. Madhvi Yadu W/o Sunil Chandra Yadu Aged About 28 Years At Present R/o Kirtan Lal Yadav, Gol Bazar, Near Gol Office, Ward No. 25, Tahsil And District Rajnandgaon (Chhattisgarh).

---- Respondent

For Petitioners : Mr. Subhash Yadav, Advocate

Hon'ble Shri Justice Narendra Kumar Vyas
Order on Board

12.07.2021

1. Learned counsel for the petitioners would submit that the learned trial Court has closed the right of the petitioner to cross-examine the sole respondent namely- Smt. Madhvi Yadu, who is wife of the petitioner

- No. 1, though the learned counsel for the petitioners were out of station because of his personal difficulty, as reflected in the order itself.
2. Once the application was allowed by the learned trial Court for argument on interim application filed by the respondent then there is no impediment for giving short adjournment to the petitioners for cross examination of respondent. The order is *prima facie* illegal and it is also against the principal of natural justice, therefore, it requires interference by this Court.
 3. Accordingly, the impugned order to that extent that the petitioner's right to close the opportunity to cross examine the respondent struck off is quashed subject to payment of cost. The case is fixed on 30.07.2021, on that day, the petitioner is at liberty to cross examine the respondent subject of payment of cost of Rs. 2,000/-. If the petitioner will pay cost of Rs. 2,000/- to the respondent then only they will allow to cross examine the respondent otherwise their right as struck off by the trial Court will be affirmed.
 4. With this direction and observation the instant CRMP is disposed of.

Sd/-

(Narendra Kumar Vyas)
Judge