HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Civil Writ Petition No. 13025/2024

Ramesh Kumar Soni S/o Bachhraj Soni, Aged About 52 Years, Resident Of Ladnun Tehsil Ladnun District Nagaur.

----Petitioner

Versus

1. Sagarmal Nahata S/o Indrachand Nahta, Resident Of Ladnun Tehsil Ladnun District Nagaur Through S.m. Nahata Foundation, Kolkatta (West Bengal).
2. Murlidhar Soni S/o Norang Lal Soni, Aged About 62 Years, Resident Of First Patti Ladnun Tehsil Ladnun District Nagaur.

----Respondents

For Petitioner(s) : Mr. Talat Bari.

HON'BLE DR. JUSTICE NUPUR BHATI

Order

07/02/2025

1. The petitioner has preferred the instant writ petition claiming following relief(s):-

> "(i) the impugned order dated 16.07.2024 (Ann.9) passed by learned Senior Civil Judge, Ladnun District Nagaur in Civil Original Suit No.29/2018 may kindly be quashed and set aside.
> (ii) The learned Senior Civil Judge, Ladnun District Nagaur may kindly be directed to grant one opportunity to the petitioner to adduce his evidence."

2. Learned counsel for the petitioner, at the outset, makes a limited submission that the petitioner had been afforded few opportunities to adduce evidence, however, on account of paucity of time before the learned court below, his evidence was not adduced on the date fixed. He further submits that only one last

opportunity in the interest of justice may be given to the petitioner to lead evidence upon cost.

3. On a bare reading of the impugned order, this Court finds that the order is well justified as the petitioner/defendant No.1's evidence was closed as the petitioner/defendant No.1 was given several opportunities for leading his evidence but has not done so. However, in the interest of justice and for getting the matter decided on merits, this Court imposes a cost of Rs.5,000/- which shall be paid by the petitioner to the private respondent No.1 before the next date and subject to such payment, the learned court below shall given one last opportunity to the petitioner to submit his evidence on the next date.

4. Thus, the present petition is disposed of with aforesaid direction. The impugned order dated 16.07.2024 (Annexure-9) shall not come in between such implementation.

(DR. NUPUR BHATI),J

9-pradeep/-