

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 4368/2026

Karna Ram S/o Shri Chenaram, Aged About 32 Years, Bola P O
Bola, District Barmer, Rajasthan

-----Petitioner

Versus

Smt. Veena Choudhary D/o Shri Rekha Ram, W/o Shri Karna
Ram, Aged About 27 Years, R/o Asada Ki Beri, Tehsil And District
Barmer, Rajasthan

-----Respondent

For Petitioner(s) : Dr. Ashok Choudhary.

For Respondent(s) :

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT
Order

24/02/2026

1. By way of filing the instant writ petition under Article 227 of the Constitution of India, the petitioner has laid a challenge to the order dated 30.01.2026 passed by the learned Additional District Judge No.2, Barmer in Civil Suit No.229/2023 (CIS No.200/2023), whereby evidence of the petitioner-non-applicant has been closed.
2. Learned counsel for the petitioner submits that after closing of evidence of the respondent applicant, matter was posted for petitioner's evidence and after granting only one opportunity to lead evidence, same has erroneously closed by the trial court. It is therefore, prayed that proper opportunity of leading evidence may be granted to the petitioner.
3. Upon perusal of the impugned order dated 30.01.2026 (Annex.03), this Court finds that the petitioner was given opportunity to lead evidence before the learned trial Court. However, when the petitioner failed to avail the opportunities granted to him, the learned trial Court closed the evidence.

4. True it is that the petitioner was granted opportunity for leading the evidence, but he has not done so. However, this Court keeping in view the principles of natural justice and with a view to getting the matter decided on merits, deems it just and proper to give one last opportunity to the petitioner to lead evidence before the learned trial Court on the next date of hearing, subject to the petitioner's depositing cost of Rs.2,000/-. The Cost shall be paid by the petitioner to the sole respondent through his counsel on the next date of hearing.

5. It is made clear that no further opportunity to lead evidence shall be extended to the petitioner.

6. Accordingly, the petitioner is granted one and last opportunity to lead evidence before the learned trial on or before next date of hearing before the learned trial Court subject to payment of cost of Rs.2,000/- to the sole respondent through his counsel. However, the trial Court shall be at liberty to adjourn the matter at its own discretion depending upon its work exigency.

7. In case, the respondent refuses to accept the cost and wants to contest the writ petition on merits, she shall be at liberty to move an appropriate application for revival of the writ petition.

8. With the aforesaid observations, the writ petition is disposed of.

9. The stay application and all pending applications, if any, also stand disposed of.

(MUKESH RAJPUROHIT),J