

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

S.B. Civil Writ Petition No. 12996/2024

Devendra Shankla S/o Shri Chhinalal, Aged About 69 Years,
Resident Of Ajay Chowk (Bagar Chowk) Jodhpur (Raj.).

-----Petitioner

Versus

1. Kansingh S/o Fusaram Ji, Resident Of Ajay Chowk (Bagar Chowk) Jodhpur (Raj.)
2. Narander Singh S/o Fusaram Ji, Resident Of Ajay Chowk (Bagar Chowk) Jodhpur (Raj.)
3. Kailash S/o Fusaram, Resident Of Ajay Chowk (Bagar Chowk) Jodhpur (Raj.)

-----Respondents

For Petitioner(s)	:	Mr. Prashant Tatia
For Respondent(s)	:	-

JUSTICE DINESH MEHTA

Order

22/08/2024

1. Learned counsel for the petitioner invited Court's attention towards the facts obtaining in the present case and submitted that for considerable time petitioner's counsel could not attend the Court proceedings as he was sick whereafter, an application for adjourning the matter was filed by the plaintiff-petitioner on 03.07.2024 but the trial Court had not only closed the rights of the plaintiff-petitioner to cross-examine the defendants and posted the matter on 07.08.2024, whereafter, the case has been fixed today.

2. Learned counsel for the plaintiff-petitioner submitted that there were sufficient reasons due to which the petitioner could not cross-examine the defendant.

3. Issue notice. Issue notice of stay application also, returnable within a period of six weeks.
4. It is informed by learned counsel for the petitioner-plaintiff that the next date of hearing before the trial Court is fixed on 28.08.2024.
5. Hence, it is ordered that on 28.08.2024, the petitioner shall per-emptorily cross examine the defendant. It will be required of the counsel for the petitioner-plaintiff to provide a copy of this order to the opposite counsel in the trial Court at least 48 hours in advance.
6. For the indulgence so granted, the petitioner-plaintiff shall pay a sum of Rs. 5,000/- to the defendant/defendant's counsel.
7. In case the cost is not accepted by the defendant/defendant's counsel and they want to contest the present writ petition, then further proceedings in Civil Original Case No.196/2016 shall remain stayed.
8. It is further made clear that in case the petitioner does not pay the cost as directed here-in-above or does not cross-examine the defendant, no further opportunity shall be granted to the petitioner.

(DINESH MEHTA),J