

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 20704/2025

Surendra Singh Rajawat S/o Shri Gopal Lal Ji, Aged About 56 Years, R/o 4B 29, Dadabadi Vistar Yojana, Kota.

----Petitioner

Versus

1. Smt. Savitri Devi, W/o Late Shri Rameshchandra Ji
2. Hemant Singh, S/o Late Shri Rameshchandra Ji
3. Shiv Kumari, D/o Late Shri Rameshchandra Ji
4. Madhu Bala, D/o Late Shri Rameshchandra Ji
5. Harsh Bala, D/o Late Shri Rameshchandra Ji
6. Renu D/o Late Shri Rameshchandra Ji, R/o Jagdish Ji Ka Nohra, Jain Gali, Rampura Kota.
7. Up Aawasan Mandal, Rajasthann Aawasan Mandal, Kota.

----Respondents

For Petitioner(s) : Mr. Manish Kumar Sharma
Mr. Sagar Sharma

For Respondent(s) :

HON'BLE MR. JUSTICE BIPIN GUPTA
Judgment / Order

24/02/2026

1. The present writ petition has been filed assailing the order 06.10.2025, passed by learned Additional Civil Judge, No. 3, South Kota, whereby, the application filed by the applicant-petitioner to open the evidence and granting an opportunity to cross-examine the defendant witness DW-1 was rejected.
2. Learned counsel for the petitioner submits that on 11.08.2025, the cross-examination commenced but due to paucity of time further cross-examination was deferred to 25.08.2025. He further submits that on 25.08.2025 due to the reasons beyond his control, the cross-examination of DW1 could not take place and the matter was posted on 08.09.2025. On the same date, though the defence witness was available, however, the plaintiff had filed

another application for reopening of the evidence and to lead further evidence for plaintiff.

3. Learned trial Court instead of deciding the said application, have closed the right of cross-examination of DW1 and have proceeded with the suit. Thereafter, he moved an application for permission to cross-examination the DW.1, which was rejected vide order 06.10.2025.

4. Learned counsel for the petitioner further submits that other defence witness has already been cross-examined by the plaintiff and if the permission is not granted to cross-examine the DW-1, his rights would be seriously prejudiced.

5. Heard and perused the material available on record.

6. On perusal of the record, it is clear that on the third date itself, the right to cross-examination was closed. Therefore, this Court deems it appropriate that the petitioner be granted one last opportunity to cross-examine the DW1, subject to payment of cost of Rs.10,000/- to the defendant.

7. If the defendant's witness fails to comply with the order and fails to appear for cross-examination by the petitioner, the examination-in-chief shall not be considered valid.

8. With the above observations, the present writ petition stand disposed of.

9. If the respondents in any manner aggrieved by this order, then they may file an application for recalling of this order.

10. Pending application(s), if any, also stand disposed of.

(BIPIN GUPTA),J