
Sudama Ram Vs Surekha And Another

First Appeal Order No. 315 Of 2002

Court: High Court Of Himachal Pradesh

Date of Decision: April 27, 2020

Acts Referred:

Code Of Civil Procedure, 1908 " Section 94, 151, Order 39 Rule 2A

Hon'ble Judges: Anoop Chitkara, J

Bench: Single Bench

Advocate: Sanjeev Bhushan, Mohan Singh, Abhilasha Kaundal, G.D. Verma, B.C. Verma

Judgement

1. The cases bearing CWP Nos.654 of 2000, 287 of 2001, 54 of 2019, RSA Nos.452 & 459 of 2007 and FAO No.315 of 2002 were heard together

and are being decided simultaneously. However, this Court is passing separate detailed judgment in each of the case.

2. Challenging the closure of evidence due to failure of the appellant to produce the witnesses, in an application filed under Order 39 Rule 2-A read

with Section 94 and 151 of the Code of Civil Procedure, Sudama Ram, the appellant has come up before this Court seeking quashing of the order

dated 20.3.2002, passed by learned District Judge, Shimla in case No. 312-S/6 of 2001, and praying for last opportunity to produce his evidence.

3. During the pendency of this appeal in this Court, the appeals, arising out of Civil Suit No.199/1 of 1995/99 filed by the plaintiff as well as defendants,

were decided by learned Additional District Judge, Shimla. Both the parties, challenged the said dismissal by filing regular Second Appeal in this Court,

which are registered as RSA Nos.452 of 2007 & 459 of 2007. Vide separate common judgment, this Court is deciding both the appeals and the

judgment would be pronounced simultaneously. Consequently, the present appeal has become infructuous.

4. Given the above, the appeal is closed in the aforesaid terms. All pending application(s), if any, shall also stand closed.