

## Dr. Radheshyam Gupta Vs Rani @ Urmila Gupta And Ors

**Court:** Chhattisgarh High Court

**Date of Decision:** Sept. 2, 2019

**Acts Referred:** Constitution Of India, 1950 " Article 227

**Hon'ble Judges:** Sanjay K. Agrawal, J

**Bench:** Single Bench

**Advocate:** Shobhit Koshta, Parag Kotecha

**Final Decision:** Disposed Of

### Judgement

Sanjay K. Agrawal, J

1. Petitioner/defendant No. 1 takes exception to the impugned order dated 27/11/2018 whereby learned 1st Additional District Judge, Rajnandgaon has

rejected his application for further cross- examination of the plaintiff against which this writ petition under Article 227 of the Constitution of India has

been preferred by him.

2. Mr. Shobhit Koshta, learned counsel appearing for the petitioner/defendant No. 1 would submit that by order dated 2/08/2018, learned trial Court

allowed the application filed by petitioner/defendant No. 1 for making amendment in the written statement, therefore, he is entitled for further cross-

examination of the plaintiff with regard to the amended portion of the written statement.

3. Mr. Parag Kotecha, learned counsel appearing for respondent No. 1/plaintiff would seriously oppose the submission made by learned counsel for

the petitioner/defendant No. 1 and submit that defendant No. 1 has already cross-examined the plaintiff on the amended portion of the written

statement also before the trial Court, as such, another opportunity to cross-examine the plaintiff is not warranted and therefore, his application has

rightly been rejected.

4. I have heard learned counsel appearing for the parties, considered their rival submissions made herein-above and perused the records thoughtfully.

5. Since, learned trial Court has allowed the application filed by petitioner/defendant No. 1 to make amendment in the written statement by order dated

02/08/2018, therefore, in my considered opinion, petitioner/defendant No. 1 is entitled to cross-examine respondent No. 1/plaintiff with regard to the

amended portion of the written statement and respondent No. 1/plaintiff is at liberty to make objection, if any, during the cross-examination.

6. The impugned order dated 27/11/2018 passed by the trial Court is hereby set aside and the application filed by the petitioner/defendant No. 1 for

cross-examination of plaintiff with regard to the amended portion of the written statement is allowed subject to payment of cost of ₹ 2,500 to

respondent No. 1/plaintiff.

7. Also, looking to the fact that the civil suit is pending since 19/10/2012 and there is no substantive progress in the trial, learned trial Court is directed

to hear and dispose of the civil suit within two months from the date of receipt of a copy of this order.

8. With the aforesaid observations, this writ petition stands disposed of.

9. A copy of this order be sent to the concerned trial Court by e-mail/fax.