

Rewa Ram Rajput Vs. Prem Narayan Rajput

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Court : Madhya Pradesh

Decided On : Jun-28-2012

Appellant : Rewa Ram Rajput

Respondent : Prem Narayan Rajput

Advocate for Pet/Ap. : Shri. A.P.Singh

Judgement :

Writ Petition No.9198 / 2012 (Rewa Ram Rajput .versus Prem Narayan Rajput & otheRs.28-06-2012 Heard Shri A.P.Singh, learned counsel for the petitioner, on the question of admission.

The petitioner has filed this petition being aggrieved by orders dated 15-12-2011 and 22-12-2011 by which the trial Court has rejected the petitioner's application under Order XVII Rule 1 of the Code of Civil Procedure and listed the case for final arguments.

It is submitted by the learned counsel for the petitioner that the defendant No.1, Rewaram was medically indisposed and that is why his statement could not be recorded on the date given by the trial Court and the Court below ignoring the aforesaid aspect closed the evidence of the petitioner/defendant and listed the case for final arguments on 15-12-2011 and reiterated the order on 22-12-2011.

It is further submitted that the proceedings to the suit had been stayed by this Court by order dated 6-1-2012 passed in W.P.No.20644/2011 and in such

circumstances, the trial Court could not have proceeded further in the matter and pass the impugned orders and in such circumstances the impugned orders deserve to be set aside.

On a specific query being made, it is submitted by the learned counsel for the petitioner that this Court has passed interim order in W.P.No.20644/2011 on 6-1-2012 whereas the order rejecting the petitioner's application was passed by the trial Court on 15-12-2011 and the matter was further taken up on 22-12-2011 i.e.prior to the date of issuance of interim order by this Court.

It is also clear that the petitioner did not assail the order passed by the Court below dated 15-12-2011 by taking up appropriate steps in the matter immediately thereafter but has filed this petition after a long lapse of more than six months.

It is also apparent from a perusal of the impugned order dated 15-12-2011 that the Court below has specifically recorded a finding to the effect that the petitioner/defendant had been given as many as 15 opportunities to adduce the evidence but he failed to do so.

In view of the aforesaid facts and circumstances, I do not find any ground or reason to interfere in the impugned orders. Therefore, the petition being meritless is accordingly dismissed.

(R.S.Jha) Judge mct

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