



IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE DUPPALA VENKATA RAMANA

ON THE 27th OF MARCH, 2025

MISC. PETITION No. 1373 of 2025

SHARAD

Versus

GHANSHYAMDAS AND OTHERS

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Appearance:

*Mr. L.N. Soni, senior counsel assisted by Ms. Prachi Agrawal, counsel
for the petitioner.*

Mr. Apoorv Joshi, counsel for the respondent No.36/State.

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ORDER

This miscellaneous petition has been filed by the petitioner under Article 227 of the Constitution of India seeking to set-aside the orders of trial court dated 07.02.2025 and 03.03.2025 passed in Case No.RCS 55-A/2021, pending on the file of Civil Judge, Class-II, Badnawar, District-Dhar (MP).

When the matter came up for hearing, learned senior counsel has given the undertaking that he will cross-examine the witnesses in the court itself and the orders may be set-aside. The learned trial court did not give him any opportunity and closed their rights on the day itself.

When the matter came up for hearing on 07.02.2025, the learned trial court has closed the cross-examination of PW/1 and PW/2. Further counsel for the petitioner stated that they filed an application to reopen and to facilitate petitioner to cross-examination of witnesses i.e. PW/1 and PW/2



and those applications were dismissed without giving any opportunity to the petitioner/defendant. It seems to be very harsh. Therefore, the orders of trial court are set-aside with a direction to the petitioner to file appropriate application under Order 18 Rule 17 read with Section 151 CPC to reopen the matter and to cross-examination of witnesses i.e. PW/1 and PW/2.

On such application filed, the learned trial court to allow the application permitting the petitioner to cross-examine the both witnesses PW/1 and PW/2 to fix a date. On such date, if the petitioner/defendants do not cross-examine both the witnesses, will pass an appropriate order.

With the above direction, the present petition stands disposed of.

(DUPPALA VENKATA RAMANA)
JUDGE

Arun/-