

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH JAIPUR.

J U D G M E N T

D.B. CIVIL SPECIAL APPEAL (WRIT) NO.727/2007.

Smt.Bhonri and anr.

Vs.

Chander and anr.

Date of Order:-

July 31 2007.

HON'BLE THE ACTING CHIEF JUSTICE MR.J.M. PANCHAL
HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Mr. Satya Narayan Kumawat for the appellant.

Mr. Mahendra Goyal for respondent No.1.

The instant appeal filed under Section 18 of the Rajasthan High Court Ordinance is directed against the order dated April 10 2007 rendered by the learned Single Judge in S.B. Civil Writ Petition No.889/2007 by which order dated October 31 2006 dismissing the application filed by the appellant to permit him to file written statement, is confirmed.

The trial court passed order dated February 14 2005 closing the right of the appellant to file written-statement. That order was challenged before the learned Single Judge of this Court. The petition filed by the petitioner was dismissed by the learned

Single Judge of this Court. Feeling aggrieved, the appellant filed D.B. Civil Special Appeal (Writ) No.424/2007. The Division Bench of this Court has rejected the appeal by an order dated July 22 2007. Under the circumstances, the instant appeal cannot be interfered wherein prayer made is to permit the appellant to file written-statement. Learned Judge of the trial court has given cogent and convincing reasons not to permit the appellant to file written-statement. The trial court has rightly closed the opportunity of filing written-statement vide order dated February 14 2005. No case is made out by the appellant to interfere with the impugned-order in the instant appeal.

The appeal which lacks in merits therefore, deserves to be dismissed summarily.

For the foregoing reasons, the appeal fails and is summarily dismissed. There shall be no order as to costs.

(MOHAMMAD RAFIQ), J.

(J.M. PANCHAL), ACJ.

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