

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER

S.B CIVIL WRIT PETITION NO.14745/2012

RISHI LAL(SINCE DECEASED) THROUGH HIS LEGAL
REPRESENTATIVE

Vs.

PREM NARAIN SHUKLA(SINCE DECEASED) THROUGH
HIS LEGAL REPRESENTATIVES & ORS.

DATE: 30.03.2013

HON'BLE MR. JUSTICE JAINENDRA KUMAR RANKA

Mr. J.P. Goyal, Senior Counsel assisted by
Mr. Aditya Sharma, for the petitioner.
Mr. D.K. Bhardwaj, for the respondents.

This writ petition is directed against the order dated 24.08.2012 passed by the Civil Judge(Jr. Division) & Judicial Magistrate No.1, Alwar in Civil Suit No.203/2000, whereby the application filed by petitioner under Order 22 Rule 4(2) CPC for filing written statement, has been dismissed.

Submission of the learned counsel for petitioner is that claim of the petitioner is, to file written statement or to allow him to lead evidence in whatever manner he wants to lead before the trial Court. He further contended that vide impugned order dated 24.08.2012, claim of the petitioner has been partly allowed, whereas his both claims, as referred to herein above, ought to have been allowed by the trial Court.

On the other hand, Counsel appearing on behalf of respondents submitted that the order passed by the trial Court is just and reasonable as claim of the petitioner has already

been allowed to lead evidence and, therefore, rights of the petitioner are safeguarded. He further submitted that in case, petitioner wants to lead extra evidence, he can be permitted to lead the same, but in a limited time frame as the suit is pending for the last more than 13 years and the original plaintiff and the defendant, both, have already expired.

After considering the submissions of the learned counsel for the parties, this Court is of the view that the trial Court has rightly allowed the petitioner to lead the evidence, but it may direct the petitioner to lead extra evidence, in case he needs to lead the same, but in a limited time frame.

In the facts and circumstances of the case, since the suit is pending for the last more than 13 years, therefore, in the interest of justice, the trial Court is directed to decide the suit itself within a period of six months from the date of receipt of certified copy of this order.

With the aforesaid observations, the writ petition stands disposed of. Stay application also stands disposed of.

(JAINENDRA KUMAR RANKA),J.

/KKC/

Certificate:

All corrections made in the judgment/order have been incorporated in the judgment/order being emailed.

KAMLESH KUMAR
P.A.