

**W.P.No.8852/2015**

**31/12/2015**

Smt. Archana Kher, learned Counsel for the petitioner.

Heard.

This writ petition is at the instance of the defendant in the suit challenging the order of the trial Court dated 15/12/2015, whereby the petitioner's right to adduce the evidence has been closed.

Learned Counsel appearing for the petitioner submits that on 15/12/2015 when the matter was fixed before the trial Court for the purpose of examination of the petitioner and his witnesses, on that day, the Advocate engaged in the matter could not remain present as he was contesting the Bar elections. She further submits that an adjournment on that ground was sought but that has been wrongly denied by the trial Court.

Having heard the learned Counsel for the petitioner and after perusing the order of the trial Court, it is found that the petitioner is entitled to at least one more opportunity to adduce the evidence on payment of some reasonable cost. The reason which the petitioner has disclosed for non-examination of the witnesses on 15/12/2015 appears to be a *bonafide* reason.

Hence, with all just exceptions, the writ petition is allowed with direction to the trial Court to give one

opportunity to the petitioner to adduce the evidence on payment of cost of Rs. 1,000/- by the petitioner to the respondent on the next date of hearing fixed before the trial Court.

The writ petition is accordingly disposed off.

Certified copy as per rules.

**( Prakash Shrivastava)**  
**Vacation Judge**

(karuna)