



CGHC010397092026

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 1315 of 2026

- 1 - Murha Ram Dugga S/o Sanau Aged About 36 Years R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)
- 2 - Mankooram S/o Late Jagduram Aged About 39 Years R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)
- 3 - Smt. Manbati D/o Jagduram Aged About 35 Years R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)
- 4 - Ramkumar S/o Late Jagduram Aged About 32 Years R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)
- 5 - Kamlesh Kumar S/o Late Jagduram Aged About 30 Years R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)
- 6 - Shyambati D/o Late Jagduram Aged About 38 Years R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)
- 7 - Anjali Dugga D/o Late Jagduram Aged About 25 Years R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)
- 8 - Jagat S/o Devji Aged About 63 Years R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)
- 9 - Sukman S/o Sanau Aged About 42 Years R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)
- 10 - Prasad Dugga S/o Mehtar Aged About 33 Years R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)
- 11 - Ramesh Dugga S/o Mehtar Aged About 36 Years R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)
- 12 - Smt. Siyo Bai W/o Late Dukhram Aged About 55 Years R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)
- 13 - Ramsingh S/o Late Dukhram Aged About 53 Years R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)

14 - Rambati D/o Late Dukhram Aged About 51 Years R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)

15 - Shyambati D/o Late Dukhram Aged About 50 Years R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)

16 - Sunita D/o Late Dukhram Aged About 48 Years R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)

17 - Peelesh S/o Late Dukhram Aged About 35 Years R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)

18 - Peeluram S/o Late Dukhram Aged About 28 Years R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)

19 - Aliram S/o Rajman Aged About 48 Years R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)

20 - Dayaram S/o Massu Aged About 48 Years R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)

21 - Bajnath S/o Rupsingh Dugga Aged About 63 Years R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)

22 - Vinesh Dugga S/o Late Gadheram Aged About 41 Years R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)

23 - Masi Bai W/o Late Gadheram Aged About 65 Years R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)

24 - Vinoti Bai D/o Late Gadheram Aged About 38 Years R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)

25 - Mangoti D/o Late Gadheram Aged About 35 Years R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)

26 - Mahesh Dugga S/o Late Gadheram Aged About 33 Years R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)

27 - Tularam S/o Jarha Aged About 36 Years R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)

28 - Ghas Su S/o Bahadur Aged About 65 Years R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)

... Petitioner(s)

versus

1 - Hiranman Nag S/o Motiram Aged About 80 Years Case Muria R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)

- 2** - Fagnuram S/o Motiram Aged About 68 Years Case Muria R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)
- 3** - Mohan S/o Late Duwaru Aged About 42 Years Case Muria R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)
- 4** - Johan S/o Late Duwaru Aged About 40 Years Case Muria R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)
- 5** - Kankay Bai W/o Late Duwaru Aged About 63 Years Case Muria R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)
- 6** - Manoj S/o Late Pyaralal Aged About 48 Years Case Muria R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)
- 7** - Mohan S/o Keju Aged About 50 Years Case Muria R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)
- 8** - Raju S/o Late Rupsingh Aged About 60 Years Case Muria R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)
- 9** - Bajju S/o Late Rupsingh Aged About 60 Years Case Muria R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)
- 10** - Nanhi S/o Rajman Aged About 52 Years Case Muria R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.)
- 11** - Collector, Kondagaon Distt- Kondagaon (C.G.)
- 12** - Chintaram S/o Bhinguram Aged About 48 Years R/o Village Chaniyagaon, Tehsil Dhanora, Distt- Kondagaon (C.G.) Current Address Central Jail Jagdalpur, Distt- Jagdalpur (C.G.)

... Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner(s) : Mr. Pravin Kumar Tulsyan, Advocate.

For Respondent(s) : Ms. Isha Jajodia, Panel Lawyer.

Hon'ble Shri Justice Ravindra Kumar Agrawal, J.

Order on Board

09/10/2026

Heard.

1. Present is a writ petition under Article 227 of the Constitution of India filed by the petitioner against the impugned order dated 08.08.2026 passed by the learned Civil Judge (Junior Division), Keshkaal, District

Kondagaon, in Civil Suit No. 18-A/2023, whereby the right of the plaintiff to lead evidence has been forfeited and the case has been fixed for the defendants' evidence.

2. Learned counsel for the petitioners would submit that the petitioners are the plaintiffs before the learned trial Court. The suit was filed on 11.04.2023 for declaration of title, partition and permanent injunction. The issues have been framed, and the case was fixed for recording the plaintiffs' evidence. However, earlier, the plaintiffs could not produce their evidence as some of the parties on either side had died and the applications for substitution of their LRs were pending. The petitioners are agriculturists, and their livelihood depends upon their crops. Due to their limited understanding, they would give priority to their agricultural work and, thereby, could not appear before the learned trial Court for recording their evidence as directed by the learned trial Court. Since, on some occasions, the plaintiffs could not produce their evidence, their right to lead evidence has been closed.
3. He would further submit that the matter pertains to property rights and partition of the subject property, and forfeiting the plaintiffs' right to lead evidence would prejudice their grievance involved in the present suit. He would also submit that, though on earlier occasions time was granted to the plaintiffs to lead their evidence, instead of forfeiting their right, the learned trial Court could have imposed appropriate costs and adjourned the proceedings to avoid any further delay. He would also submit that the defendants' evidence has not yet commenced. Therefore, the impugned order may be set aside, and the plaintiffs may be granted one opportunity to record their evidence by imposing appropriate costs.

4. I have heard learned counsel for the petitioners and perused the documents annexed with the petition.
5. From perusal of the documents annexed with the petition, it transpires that the petitioners are prosecuting a suit for declaration of title, partition and permanent injunction over the suit property, in which the issues were framed on 18.06.2024. The dispute with respect to the title and partition of the suit property is involved, in which both the parties are claiming their rights. From the impugned order, it transpires that the case was fixed for recording the plaintiffs' evidence from 21.08.2024 and thereafter, on 22.08.2024, 02.05.2025, 16.07.2025, 10.11.2025 and 06.02.2026, time was granted on the request made by the plaintiffs for recording their evidence. The last opportunity was also granted to the plaintiffs for recording their evidence, but they failed to produce their evidence, and ultimately, the learned trial Court forfeited the right of the plaintiffs to lead evidence and fixed the case for the defendants' evidence.
6. In the trial of a civil suit, the right to lead evidence is a substantive right so that the parties may bring their evidence to facilitate the passing of the judgment by the learned trial Court. Mere technicalities may not come in the way of adjudication of the dispute on merits. Although, on earlier occasions, adjournments were granted in favour of the plaintiffs, on 08.08.2026 also, they made an application under Order 17 Rule 1 of the CPC, stating that they were engaged in their agricultural work and praying for an adjournment. In view of the judgment passed by the Hon'ble Supreme Court in ***State Bank of India v. Km. Chandra Govindji*** (2000) 8 SCC 532, the earlier adjournments could not be a relevant consideration for a subsequent adjournment, as the adjournments on

earlier occasions had already been granted after considering the grounds taken for those adjournments.

7. Therefore, this Court is of the considered opinion that, instead of forfeiting the right of the plaintiffs to lead evidence, they may be granted one opportunity to produce their evidence and prove their case.
8. Accordingly, the impugned order dated 08.08.2026 is set aside subject to payment of cost of Rs. 10,000/- payable to the defendants before the learned trial Court on the next date of hearing. The learned trial Court is directed to fix a date for recording the plaintiffs' evidence and to grant one opportunity to the plaintiffs to produce their witnesses and shall proceed in the suit in accordance with law.
9. It is made clear that the plaintiffs shall not be granted any unnecessary adjournments, subject to any legal impediment. It is expected that the parties will cooperate in the expeditious disposal of the suit.
10. With the aforesaid observations, the present writ petition is **allowed**.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Alok