

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 233 of 2015

- Chamrin W/O Shri Gyandas Panika Aged About 45 years R/O Village Bhittikala, P.S. And Tahsil Ambikapur District Surguja (C.G.), Civil & Revenue District Surguja (C.G.)

---- Petitioner

Versus

1. Muturdas S/o Late Butandas Aged About 42 Years
2. Sonedas So/ Late Butandas Aged About 38 Years
3. Shantibai D/O Late Butandas Aged About 35 Years
4. Mankunwar Wd/O Late Butandas Aged About 70 Years

Both R/O Village Bhittikala, P.S. & Tahsil Ambikapur District Surguja (C.G.)

5. Gyandas S/O Late Butandas Panika Aged About 50 Years Village Bhittikala, P.S. & Tahsil Ambikapur District Surguja (C.G.)
6. State Of Chhattisgarh Through District Collector Surguja (C.G.)

---- Respondents

For Petitioner	: Shri A.K. Prasad, Advocate
For Respondent/State	: Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

30/03/2015

1. By the impugned order the trial Court has dismissed two applications filed by the petitioner/defendant, one for seeking adjournment for cross-examination of plaintiffs witnesses and the other under Order 13 Rule 10 of Code of Civil Procedure (for short, 'CPC') for summoning the record of the Sub Divisional Officer (Revenue) Ambikapur, wherein an order concerning the suit land was passed by the said revenue officer.
2. In so far as the rejection of prayer for summoning the record of revenue Court is concerned, this Court does not find any infirmity in the said part of the

order because the trial Court has rightly pointed out that the petitioner being a party to the proceedings before the revenue Court, he may obtain certified copy of the order and place it before the Court and confront the witness at the time of his cross-examination.

3. While considering the prayer for adjournment the trial Court observed that on the previous date of hearing similar application was allowed imposing cost of Rs.500/- and yet the defendant is again seeking time for cross-examination, therefore, it appears the defendant is protracting the litigation.

4. Having considered the submission and on perusal of the documents placed before this Court, it appears, ends of justice would be served if one opportunity is granted to the petitioner to cross-examine the plaintiffs witnesses on payment of cost of Rs.5,000/-.

5. Accordingly, it is directed that on payment of cost of Rs.5,000/- together with deposit of the cost earlier imposed by the trial Court within a period of one month from today, the trial Court shall fixed a date for examination of plaintiffs witnesses. It is made clear the trial Court shall not grant any further adjournment to the petitioner for the said purpose and the petitioner shall be required to cross-examine petitioner's witness on one single date of hearing.

6. The writ petition is disposed of in the above terms.

JUDGE