

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No.410 of 2015

Santram Manhare S/o Shambhudas Manhare Aged About 58 years R/o Village Kandel, Tehsil & District Dhamtari Chhattisgarh Present Address Village Mandir Hasaud Tehsil Arang Dist. Raipur Chhattisgarh

---- Petitioner

Versus

1. Santuram Manhare S/o Shambhudas Manhare Aged About 58 Years by Caste Satnami R/o Village Nakta (Gandhi Gram) Post And Ps Mandir Hasaud Tehsil Arang District Raipur Chhattisgarh
2. State Of Chhattisgarh Through Collector Raipur, District Raipur C.G.

---- Respondent

For Petitioner	:	Shri Akhilesh Kumar, Advocate
For Respondent/State	:	Ms. Sunita Jain, Panel Lawyer

Order On Board

01/07/2015

By this petition, under Article 227 of the Constitution of India, the petitioner has challenged order dated 17-04-2015, by which, the petitioner's application under Section 151 CPC has been rejected.

2. Learned counsel for the petitioner submits that the text, tenor and spirit of the provision contained in Order 18 Rule 4 CPC requires that at the time of submitting affidavit of witnesses under Order 18 Rule 4 CPC, the witnesses are required to remain present in the Court for their examination.

3. The argument is misconceived in law. There is nothing expressly or by necessary implication contained in the aforesaid provision requiring the witnesses to remain personally present at the time of submission of their respective affidavits under Order 18 Rule 4 CPC. The other party has the opportunity to examine those witnesses as and when they appear before the Court.

4. The petition, is completely misconceived in law, and therefore, dismissed summarily.

**Sd/-
Manindra Mohan Shrivastava
Judge**