

(1)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. (227) No. 79 /2015

PETITIONERS
PLAINTIFFS

: 1. Sibodhi ^(Dead) S/o, Jagarnath Caste Chaudhary Mallah (Dead through his Legal Heirs already brought on record of the learned Trial Court)

1(A) Ram Dular Chaudhary, aged about 58 years, Occupation Mutton Seller,

1(B) Bhola Chaudhary, aged about 52 years, Occupation Vegetables Seller,

1(C) Vijay Chaudhary, aged about 48 years, Occupation Labour,

1(D) Ajay Chaudhary, aged about 42 years, Occupation Motor Mechanic,

1(E) Sanjay Chaudhary, aged about 38 years, Occupation Bus Agent,

S/o Late Sibodhi Chaudhary, R/o Bhathapara, Ambikapur, P.S and Tahsil Ambikapur, District Surguja (C.G)

VERSUS

RESPONDENTS
DEFENDANTS

:1. Shivmangal Singh ^{Dead,} S/o Laxmi Singh, Caste Kshatriya (Dead through his Legal Heirs already brought on record of the learned Trial Court)

1(A) Smt. Shiv Muni Devi W/o Shri Shiv Mangal Singh, aged about 66 years,

1(B) Namo Narayan Singh S/o Late Shri Shivmanagal Singh , aged about 43 years,

WP 227/79/15
P.R.No. 2730/15
Presented by Shri Shashi Raj Singh
dated 06.2.15



(2)

1(C) Shailendra Singh, S/o Late
Shri Shivmanagal Singh , aged
about 34 years,

1(D) Narendra Kumar Singh, S/o Late
Shri Shivmanagal Singh , aged
about 36 years

All R/o Darripara, Ambikapur,
District Surguja (C.G)

2. Smt Hiramani D/o Late Manvsan
BHuiya aged about 56 years, R/o
Manipur Ward, City Ambikapur,
P.S and Tahsil Ambikapur,
District Surguja (C.G)

3. State of Chhattisgarh through
Collector Surguja (C.G)

WRIT PETITION UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (227) No. 79 of 2015

PETITIONERS

Sibodhi (Dead) & others

Versus

RESPONDENTS

Shivmangal Singh (Dead) & others

Shri Shakti Raj Sinha, counsel for the petitioners.
Shri Ashutosh Pandey, P.L. for the State.

SINGLE BENCH : HON'BLE SHRI PRASHANT KUMAR MISHRA, J.

**ORAL ORDER
(10/02/2015)**

The impugned order has been passed by the trial Court in a suit which is pending since last 34 years. On 06/09/1995 the respondents' prayer to examine one of the legal heirs of the defendant as a witness in the suit was rejected by the trial Court. Initially a civil revision was filed which was subsequently dismissed as not maintainable with liberty to file a writ petition under Article 227 of the Constitution of India. The defendants thereafter filed W.P. No. 4622/2005 which was disposed of on 18/06/2012 allowing one opportunity to the defendants to examine themselves or any one of them according to their choice. This Court also directed the trial Court to decide the suit in accordance with law within a period of six months.

2. It appears the defendants produced a copy of the order passed by this Court before the trial Court on 14/01/2015 with a prayer to allow them to appear as a witness.

3. Learned counsel for the petitioners would submit that this Court having directed the trial Court to conclude the trial within six months, the defendants cannot be permitted to examine themselves after the said period is over and the suit should have been decided by the trial Court.

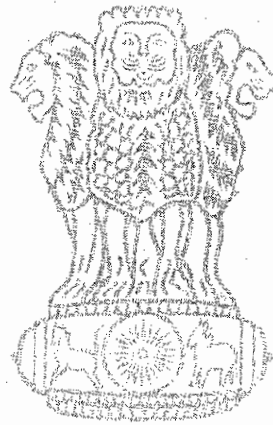
4. When order passed by this Court for time bound disposal of the Civil Suit was not produced by the parties, the trial Court cannot be blamed for the delay nor the effect of the order passed by this Court can be diluted merely because the other party has not produced the same before the trial Court. Once a direction has been issued by this Court, the same has to be followed, therefore, there is no substance in the writ petition.



5. Accordingly, the writ petition is dismissed, however, the trial Court is directed to conclude the trial as early as possible and preferably within a period of three months from the date of submission of certified copy of this order before the trial Court. The trial Court is also directed to send compliance report immediately after three months.

Sd//
Prashant Kumar Mishra
Judge

CHHATTISGARH HIGH COURT



सत्यमेव जयते