

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 136 of 2016

1. Harvansh S/o Sonchand Sahu, Caste Teli, R/o : Village & Post Guma, P.S. & Tahsil Pallari, District Raipur, (Now Baloda-Bazar) Chhattisgarh.

---- Petitioner

Versus

1. Ram Bai W/o : Keshav Balat Sen, Cast Nai, R/o : Devri Khurd Housing Board Colony, Chowk, Post Devri Khurd, Tahsil & District Bilaspur, Chhattisgarh (Died)..... Represented through Lrs :
 1. (A) Lillu Ram Sen, Aged about 37 years, S/o. Shukhnandan Sen, R/o Village & Post Devri Khurd, Tahsil & District Bilaspur, Chhattisgarh.
 1. (B) Pardeshi Ram Sen, Aged about 30 years, S/o. Shukhnandan Sen, R/o Village & Post Devri Khurd, Tahsil & District Bilaspur, Chhattisgarh.
2. Nathu Ram S/o Santu Ram Sen, Aged about 54 years, Cast Nai, Kastkar, Village Muherenga, Post Muhrenga, Near Balmukund Village, Tahsil Bemetra, District Durg, Chhattisgarh.
3. Smt. Rahmin Bai, Ex-Husband- Keshav, Aged about 75 years, Caste Nai, R/o : Village Muhrenga, Near Balmukund Village, Tahsil Bemetara, District Durg, Chhattisgarh (Deleted due to death)
4. State of Chhattisgarh, Through – Collector, District Raipur, (Now Baloda- Bazar) Chhattisgarh.
5. Ultra Track Cement Company, Department of Works Unit Class- I, Ravan, Ravan Cement Works, Grasim Vihar, Class- I, Tahsil Simga, District Baloda-Bazar, Bhatapara, Chhattisgarh.

---- Respondents

For Petitioner – Shri Hemant Gupta, Advocate.

For Respondent No.4 – Shri Lav Sharma, Panel Lawyer, on advance copy.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

29/02/2016

1. Learned counsel for the petitioner, at the outset, submitted that purely on the basis of mercy ground, the petitioner offers to remain present his witnesses, i.e., Nathuram, Satyawan Pandey, Bharat Sahu and Vijay Sahu in person before the trial Court on very next date of hearing whatsoever it may be and prayed that he be given opportunity to examine his witnesses along with other plaintiffs' witnesses as per convenience of the trial Court and the matter can be disposed of with the above one opportunity without noticing to the respondents.

2. On due consideration, the petitioner is directed to keep present in person all these witnesses, i.e., Nathuram, Satyawan Pandey, Bharat Sahu and Vijay Sahu as his witnesses. He is permitted to examine the above four witnesses for his behalf on very next date of hearing whatsoever it is as per convenience of the trial Court to record their statement alongwith other defendants' evidence.
3. With the above direction, the impugned order dated 12-01-2016 is hereby quashed subject to the presentation of all the above four witnesses for recording their evidence before the Court below on very next date of hearing at 11.00 a.m. In case, if the petitioner fails to produce above four witnesses for their examination before the trial Court on next date of hearing, the Court below shall proceed further as per order dated 12-01-2016 as it is.
4. The petition disposed of.
5. No order as to cost.
6. The petitioner may file copy of this order before the Court below for compliance.
7. Registrar (Judicial) is also directed to communicate copy of the order to the Court below through usual mode and fax mode immediately for compliance.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE