

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 158 of 2016

1. Madhya Pradesh Sashkiya Karmachari Grih Nirman Sahkari Samiti Maryadit Bilaspur (Chhattisgarh), Through - C. K. Hela (President/ Sansthapak Member) R/o Near Mission School Rajendranagar Tahsil & District - Bilaspur (Chhattisgarh)

---- Petitioner

Versus

1. G. Prasad S/o Late Vashudev Prasad, aged about 65 years R/o Ushalapur Police Station - Chakarbhata Tahsil - Takhatpur District - Bilaspur (Chhattisgarh)
2. S. P. R. Sharma (Sahkarita Bistar Adhikari) S/o Late Shri S. B. Sharma, R/o Nature City Sakari Mungeli Road Tahsil & District Bilaspur Office - Sahakarita Vistar Adhikari (Sashkiya Prabhari C. G. Karamchari Grih Nirman Sahkari Samiti Maryadit Bilaspur (Chhattisgarh) Joint Registrar Office Bilaspur (Chhattisgarh)
3. Shri R. D. Ghritlahare Senion Cooperative Inspector and Govt. in Charge/President Chhattisgarh Karamchari Grih Nirman Sahkari Samiti Maryadit Bilaspur R/o Joint Registrar Office Bilaspur (Chhattisgarh)
4. Joint Registrar, Sahkari Sanstha Bilaspur (Chhattisgarh)
5. State of Chhattisgarh through the Collector - Bilaspur District Bilaspur (Chhattisgarh)

---- Respondents

For Petitioner – Shri A.N.Pandey, Advocate.

For Respondents 4 and 5 – Shri Lav Sharma, Panel Lawyer.

For Respondents 1 to 3 – None, not noticed.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

02/03/2016

1. At the outset, it is submitted on behalf of the petitioner that in the larger interest of justice of both the parties the Court below gave only one opportunity to adduce plaintiff's evidence on 13-01-2016 and thereafter at very next date i.e., 29-01-2016 closed opportunity of plaintiff and list the matter for defendants' evidence and again on 24-02-2016 dismissed the application under Order 18 Rule 4 read with Section 151 of the Code of Civil Procedure, 1908 (in short 'the Code') to award an opportunity to adduce evidence on behalf of the

petitioner/plaintiff. As the petitioner had filed the said suit for declaration and permanent injunction and also to declare executed registered sale deed dated 20-08-2010 as void and illegal, if a reasonable opportunity would not be given then it would not be proper to dispose of the matter on its merit. Hence, it is submitted that the petitioner may be given a reasonable opportunity. He will keep all his witnesses present in person on a given date and after recording of the evidence of the plaintiff/petitioner the Court below may grant also an opportunity to defendants/respondents and thereafter the Court may dispose of the matter on its merit. Hence, on the mercy ground a reasonable opportunity may be given and the matter may be disposed of without even noticing to respondents 1 to 3 as there no any prejudice is going to be caused with such opportunity to both the parties.

2. On behalf of the respondents 4 and 5 nothing submitted for the said prayer.

3. On due consideration, after perusal of the order dated 09-12-2015, 13-01-2016, 29-01-2016, 24-02-2016 and also as per submission made on behalf of the petitioner that presently the matter is listed for final hearing on 16th of March, 2016, it would be appropriate to give one reasonable opportunity to both the parties to adduce evidence to prove the pleadings in the matter.

4. Consequently, the instant WP(227) is disposed of finally without noticing to respondents 1, 2 and 3. The Court below is directed to fix any date for the petitioner's/plaintiff's evidence as per Court's convenience after 16-03-2016. The petitioner is directed to produce all his witnesses for examination of them on the said date so fixed. The Court below is directed to examine all the witnesses of the plaintiff/petitioner on that very date so fixed by the Court below. Thereafter, Court, if prayed in this behalf by the defendants/respondents, is directed to grant only one opportunity to adduce their witnesses to the respondents also as to keep present their witnesses by

themselves, the Court below is directed to record their statement if the defendants so produce their witnesses. Thereafter, the Court below is directed to dispose of the matter as expeditiously as possible within four months from the next date of hearing after so fixed, i.e., after 16-03-2016.

5. The petition disposed of.
6. No order as to cost.
7. Certified copy within three days.
8. The petitioner may file copy of this order before the Court below for compliance.
9. Registrar (Judicial) is also directed to send copy of the order to the Court below through usual mode and fax mode for compliance.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE