

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WP227 No. 878 of 2015**

Sunil Upadhyay S/o Shri S.L. Upadhyay, Aged About 39 Years  
Occupation Service, R/o T-14, Kirti Apartment (Nariyal Kheda),  
Bhopal, P.S. Goutam Nagar, Bhopal (Madhya Pradesh) (Applicant)

**---- Petitioner****Versus**

Smt. Ritu Upadhyay D/o Shri Kamal Narayan Sharma, Aged About 35  
Years R/o D-02, Kakda Abhinav Homes, Ayodhya Bypass Road,  
Bhopal (Madhya Pradesh) (Non- Applicant)

**---- Respondent**


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| For Petitioner | : Mr. Raghvendra Pradhan, Adv. |
| For Respondent | : Mr. D.N. Prajapati, Adv.     |

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**Order On Board****23/02/2016**

1. At the outset, learned counsel for the petitioner submits that on the next date of hearing, the petitioner shall keep present his all witnesses of his own. He may be given an opportunity to adduce evidence in support of his application and the respondent may be compensated by awarding a reasonable cost. After recording of his evidence, the court below may proceed further in the matter i.e. for evidence of non-applicant and other proceeding.
2. The prayer is opposed by learned counsel for the respondent.
3. On due consideration, taking the entire facts into consideration, this court is of the considered view to grant one opportunity only to the petitioner in the larger interest of justice. Hence the instant petition is disposed of with direction to the petitioner to keep all his witnesses present without fail before the court below on the very next date of hearing. The trial Court is directed to record evidence of the petitioner on the same day. The petitioner is directed to pay a cost of Rs. 4,000/- (Rupees four thousands only) to the respondent as a condition precedent before recording statement of his witnesses on the very next date of hearing and thereafter the court below shall proceed

further in accordance with law in the matter i.e. recording of evidence of respondent and also further hearing in the matter.

4. Certified copy of this order be filed by the petitioner before the court below on the next date for compliance. The Registry is also directed to send a copy of this order to the court below through fax and usual mode for compliance.
5. The petition is accordingly disposed of.

Sd/-  
(Chandra Bhushan Bajpai)  
Judge