

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No.45 of 2016**

Sahida Begam, wife of Khaliluddin, aged about 53 years, resident of village Bagbudwa, Tahsil Mungeli, Civil District Bilaspur and Revenue District Mungeli (C.G.)

---- Petitioner**Versus**

Firanta Mehar, son of Lakhan Mehar, aged about 38 years, resident of Daihanpara Battalion Road, Sakri, Bilaspur, Sub Tahsil Sakri, Tahsil Takhatpur, Civil and Revenue District Bilaspur (C.G.)

---- Respondent

For Petitioner : Mirza Hafeez Baig, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****13/07/2016**

The trial Court has rejected petitioner/defendant's application under Order 26 Rule 1 of the C.P.C., by which, the petitioner has prayed for her examination by commission. It has been observed by the trial Court that the defendant has been granted opportunities to produce witnesses on 04.03.2015, 27.03.2015, 17.04.2015, 06.05.2015, 15.06.2015, 19.08.2015, 05.10.2015 and 13.10.2015. During this period, no such application was moved. Neither adjournment was sought on the ground that the defendant is unable to come to the Court and desires to examine herself by commission.

2. The medical certificate produced before this Court has been issued on 24.06.2016 wherein one Dr. S.K.Lal has certified that the petitioner is under his treatment for last one month. It is, therefore, apparent that on the date when the impugned order is passed, the petitioner was not under the treatment of Dr. S.K.Lal and no other medical certificate has been placed on record to satisfy that the petitioner is of such ill-health which deters her not to attend the Court.

3. In the considered opinion of this Court, the trial Court has not committed any illegality in rejecting the petitioner's prayer for issuance of commission. This Court also does not find any substance in this writ petition.

4. Accordingly, the writ petition, being devoid of merit and substance, is dismissed *in limine*.

Sd/-
Judge
(**Prashant Kumar Mishra**)

Anjani