

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (227) No. 170 of 2016

Hari Singh Thakur S/o Shri Jagmohan Singh Thakur, Aged About 31 Years R/o Jagmal Chowk, Bilaspur, Tahsil & District Bilaspur (Chhattisgarh) Civil & Revenue District Bilaspur (Chhattisgarh)

---- Petitioner

Versus

Raju Tiwari Alias Dharmendra Tiwari S/o Shri Gyaniram Tiwari, Aged About 38 Years R/o Chandan Awas, S/62, Rajkishore Nagar, Bilaspur (Chhattisgarh)

-----Respondent

For Petitioner:
For Respondent:

Shri Vivek Shrivastava, Advocate.
None.

Single Bench: Hon'ble Shri P. Sam Koshy, J
Order On Board

12.5.2016

1. The instant Writ Petition has been filed challenging the order dated 19.10.2015 passed by the 9th Additional District Judge, Bilaspur in Civil Suit No.64-A/2015. Vide the said impugned order, the Court below has closed the right of the Petitioner/Plaintiff to leave evidence and has fixed the matter for the Respondent/Defendant to lead his evidence and to proceed further.

2. Learned Counsel for the Petitioner submits that though in the impugned order dated 19.10.2015, seven dates have been shown on which the matter was fixed for Petitioner/Plaintiff's evidence but of the seven days, three of the dates were for compromise which were being explored between the parties. However, it is the last three or four dates only on which the Petitioner, for some reason, could not lead his evidence. He prays that one last opportunity may be granted to the Plaintiff/Petitioner so that the matter itself could be

adjudicated substantially. He further makes a submission that though the impugned order was of 19.10.2015 and thereafter the matter was fixed for Respondent/Defendant's evidence, but till date, not a single witness of either side has been recorded and therefore, no prejudice would be caused to the Respondent/Defendant.

3. None appears on behalf of the Respondent though served. In the opinion of this Court, ends of justice would meet if the Petitioner is granted one final opportunity subject to the payment of cost of Rs.2,500/- payable to the Respondent before the next date. It has been informed by Learned Counsel for the Petitioner that the next date of hearing is fixed for 24.6.2016. Let the Petitioner/Plaintiff, as a last indulgence, produce his entire witnesses, which according to the Petitioner are only two in number to be present before the Court on the next date of hearing fixed by the Court below i.e. 24.6.2016. However, no notice is required to be issued to the witnesses. In the event the witnesses are present, the Court would permit the Petitioner to lead evidence and proceed further.

4. It is made clear that in the event the Petitioner/Plaintiff's witness is not present, the order passed by this Court shall not have any efficacy and the Court shall proceed further as per the previous order sheet.

5. With the aforesaid direction, the instant Writ Petition stands allowed and disposed.

Sd/-
(P. Sam Koshy)
JUDGE