

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WP (227) No.09 of 2016**

Rajesh Kumar Mishra, aged about 41 years (at present aged about 48 years), son of Late Shri Chandrika Prasad Mishra, Occupation Government Service, posted as Clerk in the Office of Deputy Director, Veterinary Services, Janjri, Police Station Janjgir, District Janjgir Champa (CG)

---- Petitioner

**Versus**

1. Smt. Madhuri Mishra, aged about 37 years (at present aged about 40-42 years), wife of Shri Rajesh Kumar Mishra,
2. Harsh Kumar Mishra, aged about 11 years (at present aged about 18 years), son of Rajesh Mishra,

Both are R/o. Near Manjhli Talab, Main Road, Champa, Police Station & Tahsil Champa District Janjgir Champa (CG)

---- Respondents

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Shri Bharat Rajput, counsel for the petitioner.

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**Hon'ble Shri Justice Chandra Bhushan Bajpai****Order****11.01.2016**

At the outset, learned counsel for the petitioner submits that he may be permitted to withdraw the instant petition with liberty to raise the issue of the non-providing any due opportunity to cross examine the applicants/respondents' witness Raj Kumar Sahu at appropriate stage under the provisions of Section 138 of the Evidence Act.

2. As prayed, the instant petition is dismissed as withdrawn reserving the aforesaid liberty to the petitioner. No order as to cost.

**Sd/-****(Chandra Bhushan Bajpai)****JUDGE**