

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 35 of 2016

1. Meluram S/o Shri Meharsingh Gound, Aged About 45 Years R/o Village Chanpatola, Tehsil Manpur And District Rajnandgaon, Chhattisgarh
2. Smt. Ganga Bai Chhediya, W/o Sakharam Gound, Aged About 50 Years R/o Village Bhatgaon Tahsil Manpur District Rajnandgaon Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Thorough The Collector Rajnandgaon Chhattisgarh
2. S.D.O. , Mohala District Rajnandgaon Chhattisgarh
3. Tahsildar, Manpur District Rajnandgaon Chhattisgarh
4. Sadeysingh S/o Shri Meharsingh Gound, Aged About 50 Years R/o Village Khadgaon Post Khadgaon, Tehsil Manpur And District Rajnandgaon Chhattisgarh
5. Keshan Singh, S/o Syamsingh, Aged About 65 Years R/o Village Khadgaon Post Khadgaon, Tehsil Manpur And District Rajnandgaon Chhattisgarh

---- Respondent

For Petitioners	Shri Aditya Bhardwaj, Advocate
For Respondent/State	Shri Syed Majid Ali, Panel Lawyer
For Respondent No.4&5	Shri Gautam Khetrapal, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

20/09/2016

1. Petitioners/plaintiffs are aggrieved by the order passed by the trial Court whereby after rejecting their application under Order 17 Rule 1 of the Code of Civil Procedure, 1908 ('the CPC' for brevity) their evidence has been closed and the matter has been posted for recording defendants' evidence.
2. The plaintiffs have preferred the suit for declaration of title, damages and permanent injunction. Since despite several opportunities the plaintiffs failed to adduce evidence, the trial Court has closed the evidence.
3. Having heard learned counsel appearing for the parties and on perusal of the papers available in the record, I deem it appropriate that the ends of justice would be served if the petitioners are allowed one more opportunity to lead evidence subject to payment of cost.
4. Accordingly, the writ petition is disposed of with a direction that in the event the petitioners/plaintiffs pay cost of Rs.5,000/- to the defendants No.4 & 5/respondents No.4 & 5 within a period of 15 days from today, the trial Court shall fix a date for examination of the plaintiffs' witnesses.

5. It is made clear that the plaintiffs shall examine their entire witnesses on the day given and shall not seek adjournment. It is further made clear that the trial Court shall not allow adjournment at any cost. The suit shall also be disposed of within an outer limit of six months from today.

Sd/-

Judge
Prashant Kumar Mishra

Gowri