

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.205 of 2016**

Madhoram and sons Registered partnership /Firm Through Santosh Kumar Gupta, S.o. Late Madhoram Gupta, aged about 67 years, R/o. Handi Chook Raigarh (CG) shop Madhoram and Sons Subhash Chook Raigarh Tah. & Distt. Raigarh (CG)

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

Murlidhar Gupta, S/o. Bhagirathi Gupta, aged about 57 year, R/o. Chhote Atarmuda Raigarh Tah. & Distt. Raigarh (CG)

---- **Respondent**

Shri Vineet Kumar Pandey, counsel for the petitioner.
Respondent not noticed.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****07.4.2016.**

At the outset, counsel for petitioner submits that as the trial Court by impugned order dated 04.3.2016 held that prayer for formulation of additional issues and the substantial grounds, the same may be finally adjudicated in issue No.1 and this was the sole reason to reject the application filed under Order 14 Rule 5 of the Code of Civil Procedure, 1908 (for short 'the Code'). If this factual appreciation is correct, then the petitioner may be permitted to adduce evidence also for the cause available under the law and the matter could be disposed of finally without even noticing the respondent.

2. On due consideration, as prayed, the instant petition is disposed of as withdrawn with liberty to raise facts and adduce evidence as per provisions of law for the cause as in IA No.01/16.

The petition is disposed of without any appreciation on its merits reserving aforesaid liberty.

3. The petitioner may file a copy of the order before the trial Court for information and future compliance. Registrar (Judl.) is also directed to intimate the trial Court regarding the order through usual and fax mode.

Sd/-

(Chandra Bhushan Bajpai)

JUDGE