

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 411 of 2016**

- G. P. Singh S/o Rajmani Singh, Aged About 50 Years Proprietor M/s Safeguard, R/o 101 Aradhna Nagar, Bhopal M.P.

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Chief Secretary, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh
2. Secretary, Public Health, Family Welfare & Medical Services, Education Department, Mantralaya, Mahandi Bhawan, New Raipur, District Raipur Chhattisgarh
3. Additional Director, Medical Education Mantralaya, Mahandi Bhawan, New Raipur, District Raipur Chhattisgarh
4. Adhishthata, Pandit Jawahar Lal Nehru Smriti Medical College, Raipur, district Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Shri PP Sahu, Advocate
For Respondents-State	:	Shri Shashank Thakur, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****12/07/2016**

1. Petitioner/plaintiff is aggrieved by the order passed by the trial Court whereby while rejecting his application under Order 17 Rule 1 read with Section 151 CPC for adjournment and seeking time to produce witnesses, his right to lead evidence has been closed.
2. Plain reading of the impugned order would indicate that the suit was filed on 21-1-09. It was listed for recording evidence of the plaintiff's witness for the first time on 3-2-10 and thereafter the plaintiff has been seeking opportunity to lead evidence. On 25-3-15, 17-6-15, 4-8-15 and 18-3-16 he was allowed adjournment on payment of cost. On these dates, the plaintiff was warned

that no further opportunity shall be granted to produce evidence.

3. The subject application was filed on the ground of illness of the plaintiff. It has been observed by the trial Court that the medical certificate is not inspiring the confidence as the medical officer treating the petitioner has not opined that the petitioner requires bed rest. Thus, sufficient and enough opportunity has been allowed to the petitioner/plaintiff for producing evidence and the order passed by the trial Court is unexceptionable, however, considering the stakes involved in the suit, it deems appropriate that the matter should be decided on merits and one more opportunity may be allowed to the petitioner on payment of cost of Rs.1 Lakh to the defendant.
4. Accordingly, the writ petition is disposed of with a direction that on petitioner's/plaintiff's paying cost of Rs.1 Lakh to the defendant within a period of three weeks from today, the trial Court shall fix a date for recording of plaintiff's witness. In any case statement of plaintiff's witnesses shall be recorded within a period of two months thereafter and the suit itself be decided within an outer limit of six months.

Sd/-

Judge
Prashant Kumar Mishra

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