

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WP227 No. 159 of 2016**

- Saurabh Dwivedi S/o Shri Rajendra Dwivedi, Aged About 39 Years R/o Lala Lajpat Rai Nagar, Tahsil & District Bilaspur (Chhattisgarh) (As Per Complaint) But Actually R/o 71 Rajiv Awash Vihar, Scheme No. 114 Indore (Madhya Pradesh) (Defendant No. 2)

---- Petitioner**Versus**

- Savitri Awasthi S/o W/o Late Rudrnarayan Awasthi, Aged About 39 Years R/o Khaprganj Marwahi Line Bilaspur, Presently R/o 1992 Ekta Vihar Colony Madan Mahal Jabalpur (Madhya Pradesh)
- Smt. Neha Tiwari, W/o Shri Ashish Tiwari, Aged About 28 Years R/o Khaparganj Bilaspur Chhattisgarh Presently R/o Sarshwati Nagar Amrawati (Maharashtra)

---- Respondents

For Petitioners	:	Mr. Abhishek Sinha, Adv.
For Respondent	:	Not noticed.

Order On Board**14/03/2016**

1. Learned counsel for the petitioner submits that the court below has fixed hearing date on 15-3-2016 as hearing of final arguments. It is submitted that on mercy ground, they may be given a short opportunity. They will keep their witnesses present either themselves or with the help of dasti summons but at no cost, they will take time for recording of evidence of witnesses beyond 29-4-2016. Hence the petition may be disposed of by granting them a short opportunity.
2. On due consideration, the matter is heard finally at motion stage itself without even noticing to respondents.
3. On due consideration after perusal of entire order sheets regarding grant of time to the parties by the court, in the larger interest of justice on mercy ground, this court is of the view that an opportunity should be given to the petitioner to adduce his evidence in the matter so that the matter may be disposed of on its merit.
4. Therefore, instant writ petition is disposed of with a direction to the petitioner to keep himself present in person before the trial Court on 15-3-2016 at 11.00 am. The court below is directed to record his statement on 15-3-2016. Thereafter, on the prayer made by the petitioner the court below is directed to issue dasti summons to the witnesses of the petitioner without

any delay and to fix a date for recording of their evidence, may be by day to day basis so that the petitioner's witnesses shall be examined positively till 29-4-2016. If any witness of the petitioner remains un-examined till 29-4-2016, no further opportunity shall be given to the petitioner for recording of their remaining witnesses. After recording the entire evidence adduced on behalf of the petitioner till 29-4-2016, the court below is directed to proceed further in accordance with law to dispose of the Civil Suit No. 46-A/2015.

5. No order as to costs.

Certified copy today.

Sd/-
(Chandra Bhushan Bajpai)
Judge