

HIGH COURT OF CHHATTISGARH, BILASPUR

WP (227) No.334 of 2016

- Rakesh Soni, son of Shri Shivratan Soni, aged about 40 years, Gondpara, Bilaspur, Tehsil & District Bilaspur (C.G.) ---- **Petitioner**

Versus

- Dwarikadheesh Sahu, son of late Shivrathi, aged about 38 years, resident of village Bijour, P.S. Sarkanda, Bilaspur, Tahsil & District Bilaspur (C.G.) ---- **Respondent**

For Petitioner	:	Shri Vivek Shrivastava, Advocate.
For Respondent	:	Shri Somnath Verma, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

05/07/2016

This petition under Article 227 of Constitution of India is directed against the order dated 27.04.2016 passed by the trial Court whereby petitioner's right to lead evidence has been closed on the ground that the petitioner/plaintiff has been seeking repeated adjournments.

2. A reading of the order sheets of the trial Court would clearly demonstrate that the plaintiff has been seeking repeated adjournments, therefore, the impugned order is unexceptional. However, at the same time, it has to be seen that if the plaintiff is not allowed to lead evidence, he may suffer irreparable loss which would ultimately result in failure of justice.

3. Shri Somnath Verma, learned counsel for the defendant/respondent would submit that if this Court proceeds to grant one more opportunity to the plaintiff to lead evidence, heavy costs of at least Rs.10,000/- should be imposed on the petitioner/plaintiff.

4. Considering the entire fact situation of the case and for the fact that the plaintiff appears to be ready and willing to lead his entire evidence within stipulated time, this petition is disposed of with a direction that the trial Court shall record evidence of all the witnesses of the plaintiff within a period of two months. Thereafter, the trial Court shall decide the suit within an outer limit of six months.

5. Petitioner shall pay cost of Rs.5,000/- to the defendant within a period of 15 days from today.

Sd/-

Judge

(Prashant Kumar Mishra)