

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (227) No. 667 of 2014**

1. Shri Bhagwan Das Dengwani, aged about 55 years,
 2. Shri Anandram Dengwani (Since dead)
 - 2(i) Smt. Kamla Dengwani, widow of Late Shri Anandram Dengwani, aged about 62 years.
 - 2(ii) Smt. Kiran alias Kanchan Dengwani, Widow of Late Shri Sanjay Dengwani (Prodeceased son), aged about 41 years,
 - 2(iii) Master Ritik Dengwani, S/o Late Shri Sanjay Dengwani (Prodeceased son), aged about 16 years,

Through natural guardian Smt. Kiran alias Kanchan Dengwani, Widow of Late Shri Sanjay Dengwani, aged about 41 years,

 - 2(iv) Manoj Dengwani, S/o Late Shri Anand Dengwani, aged about 39 years,
 - 2(v) Dilip Dengwani, S/o Late Shri Anandram Dengwani, aged about 37 years,
 - 2(vi) Amit Dengwani, S/o Late Shri Anandram Dengwani, aged about 33 years,
 - 2(i) to 2(vi) residents of Dengwani Bhawan, Idgahbhata, Opposite Football Ground, Lakhe Nagar, Raipur, Distt. Raipur (C.G.)
 - 2(vii) Smt. Sangita Mangnani, W/o Shri Ashwani Mangnani, aged about 43 years, D/o Late Shri Anandram Dengwani,
 - 2(viii) Smt. Pinki Meghwani, W/o Shri Mukesh Meghwani, D/o Late Shri Anandram Dengwani, aged about 36 years,
 - 2(vii) to 2(viii) both residents of Sindhi Colony, Durg, Distt. Durg (C.G.)
3. Shri Ramesh Dengwani, aged about 46 years,
 4. Shri Moolchand Dengwani, aged about 42 years,
- 3 to 4 Both resident through M/s Rarumal Shivnamal Dengwani, R.S. Shukla Road, Halwai Line Chowk, Raipur, Tahsil & District Raipur (C.G.), P.S. Gol Bazar, Civil & Revenue District Raipur (C.G.)

---- Petitioners

Versus

Vinesh Kumar Aasra, aged about 46 years, W/o Late Moolji Bhai Aasra, R/o R.S. Shukla Road, Halwai Line Chowk, Raipur, Tahsil & District Raipur (C.G.), P.S. Gol Bazar, Civil & Revenue District Raipur (C.G.)

---- Respondent

For Petitioners	:	Mr. Sumesh Bajaj, Advocate
For Respondent	:	Mr. B.P. Sharma, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

07/12/2016

(1) The petitioners seek to challenge the order dated 22.08.2014 passed by 6th Civil Judge, Class-I, Raipur in Civil Suit No.14-A/2008, by which the trial Court has declined to examine Record Keeper of the office of Sub-Registrar, Raipur present in the Court on the ground that there is no order from the High Court in the earlier writ petition namely Writ Petition (227) No. 169 of 2012, in which this Court has only directed for examining the witnesses from the Chhattisgarh State Wakf Board and Municipal Corporation, Raipur.

(2) Since, this Court has allowed the petitioners' application to examine the defendants' evidence, the impugned order is set aside; and the trial Court is directed to permit the petitioner to examine his witnesses.

(3) The petitioner is directed to appear before the trial Court on 21st December, 2016 along with all the private witnesses; and petitioner will pay process fee for issuing notice for appearance of official witnesses; and also serve humdust notice to the government officials; and they will be examined on 5th January, 2017. If the government officials are not served with the humdust notice; they will be further summoned and will be examined on 12th January, 2017. Thereafter, the trial Court will consider and decide the suit after hearing both the parties till 31st March, 2017. It will be responsibility of

the petitioners to serve notice/summons to the respondents.

(4) With the aforesaid observations, the writ petition is allowed to the extent indicated above subject to payment of cost of Rs.5,000/- payable to the respondents.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-