

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 559 of 2016

- Devendra Pandey S/o Kanshi Ram Pandey, President District Co-operative Central Bank Nehru Chowk Bilaspur R/o Near Santoshi Temple Near, Rajendra Nagar Petrol Pump Chantideeh Tahsil District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

- Gend Lal Shukl Publisher Editor, Proprieter, Of Dainik Lokswar Samachar Patra Korba Edition C-7 Press Complex Transport Nagar Korba Tahsil & District Korba, Chhattisgarh.

---- Respondent

For Petitioner

Mr. Ramakant Pandey, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

19/9/2016

1. Heard.
2. The petitioner/plaintiff is aggrieved by the trial Court's order, whereby, his right to lead evidence has been closed.
3. Referring to the order sheets of the trial Court recorded on 22.04.2016 and 10.05.2016, it is argued that the petitioner/plaintiff appeared for his examination and as a matter of fact, his examination-in-chief is over and the cross-examination has already begun, but could not be

concluded due to paucity of time, therefore, the impugned order passed by the trial Court is too harsh and shall cause irreparable loss to the petitioner, who will not be able to prove his case in the suit.

4. Having heard learned counsel for the petitioner and on perusal of the order sheets, it would appear that although on earlier occasions, the plaintiff has sought many opportunities to produce his witnesses, but on later dates, he remained present before the Court below for his cross-examination, which had already begun. Therefore, the ends of justice would be served, if the petitioner is permitted to lead his evidence subject to payment of cost to the other side.
5. Accordingly, the writ petition is disposed of with a direction that on petitioner paying a cost of Rs.3000/- to the defendant within a period of 02 weeks from today, the trial Court shall post the suit for examination of plaintiff's witnesses. It is also directed that the trial Court shall conclude the trial at the earliest preferably within a period of 06 months.

Sd/-

Judge

(Prashant Kumar Mishra)

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