

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 170 of 2017**

Javed Siddiqui S/o Ejhaul Haque, Aged About 50 Years R/o Plot No. 69-70, Sundar Nagar (Dr. Radha Krishnan Nagar), Kohka, Bhilai, District Durg, (Chhattisgarh) **---- Petitioner**

Versus

Smt. Shashikala Perule W/o Late Shri S. B. Perule, Aged About 72 Years At Present R/o Qtr. No. A/158, Street No.30, Smriti Nagar, Bhilai, District Durg, (Chhattisgarh) **....Respondent**

For Petitioner : Avinash Chand Sahu, Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****02/03/2017**

Heard.

1. This petition, under Article 227 of the Constitution of India, is preferred against order dated 01.12.2015 by which the petitioner's/defendant's right of defence has been closed.
2. Learned counsel for the petitioner submits that even though just and proper cause for adjournment was made before the Court below, the Court below has not appreciated the same and right of defence has been closed, which will result in serious miscarriage of justice as the petitioner would be deprived of the opportunity of leading evidence in defence.
3. After going through the order dated 01.12.2015, this Court finds that the petitioner has only been seeking adjournment time and again in a suit filed for eviction by the landlord against tenant. The landlady is stated to be 72 years of age and when the petitioner did not care even to appear before the Court, last opportunity was granted on the date fixed as per request of the petitioner. Thereafter, a vague application was made before the Court below, again seeking adjournment.

4. The trial cannot be adjourned only on mere asking. In the absence of there being any plausible cause or reason, the Court cannot keep on adjourning the case on the asking of the petitioner. It cannot be ignored that present is a case of suit for eviction filed by a landlady against the petitioner.
5. I do not find any jurisdictional illegality in the order much less any miscarriage of justice.
6. The petition is, therefore, dismissed.

Sd/-

(Manindra M ohan Shrivastava)
Judge