

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (Art. 227) No. 141 of 2017**

1. Mamta Yadav, widow of Late Rakesh Kumar Yadav, aged about 53 years.
2. Aanchal Yadav, daughter of Late Rakesh Kumar Yadav, aged about 26 years. (Defendants No. 1 & 2)

Both residents of Vivekanand Nagar, Street No. 04, Dak Bangla Ward, Dhamtari, Tahsil & District Dhamtari (C.G.)

Civil & Revenue District Dhamtari (C.G.)

Versus

1. Mohammed Akmal Rizvi, son of Haji Mohammed Alanoor, aged 46 years, resident of Indira Ward, Near Head Post Office, Jagdalpur Plaintiff
2. Siddharth Yadav, S/o Late Rakesh Kumar Yadav, aged about 24 years, R/o Vivekanand Nagar, Street No.04, Dak Bangla Ward, Dhamtari, Tahsil & District Dhamtari (C.G.) Defendant No.3

---- Respondents

For Applicant:	Mr. Vivek Shrivastava, Advocate.
For Respondents:	Mr. Adil Minhaj, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

17/04/2017

(1) This Court by order dated 15.11.2016 directed the plaintiff/respondent No.1 to keep all his witnesses except official witnesses present before the trial Court on 5.12.2016. The respondent No.1/plaintiff kept all his witnesses present on 3.1.2017 for examination and the present petitioners/defendants No. 1 & 2 did not cross examine them. The trial Court has examined six witnesses and kept the case for defendants' evidence, against which, this writ petition has been filed stating that defendants could not cross-examine three official witnesses

of the plaintiff.

(2) Learned counsel for the petitioner would submit that impugned order is contrary to the law and is liable to be set aside.

(3) After hearing learned counsel appearing for the parties, this Court is of the opinion that the defendants, petitioners herein had taken a calculated chance not to cross-examine plaintiff's official witnesses and they have simply flouted the order of this Court passed in W.P. (227) No.864/2015 on 15.11.2016 and, as such, the trial Court has assigned sufficient and valid reason to close the opportunity for cross-examination of plaintiff's witnesses, in which I do not find any jurisdictional error warranting interference by this Court in this petition.

(4) Accordingly, the writ petition is liable to be and is hereby dismissed. No order as to costs.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-