

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (Art. 227) No.249 of 2017

Brijmohan Dua, S/o late Shri Sitaram Dua, aged about 65 years,
R/o Muhalla Dua Ki Chall, Near Bukhari Petrol Pump, Link Road,
Bilaspur, Post Office and Tahsil Bilaspur, District Bilaspur (C.G.)

(Defendant No.1)

---- Petitioner

Versus

1. Bhupatiram Kaushik, S/o late Sher Singh Kaushik, aged about 65
years, R/o Village Pendry, Tahsil Takhatpur, District Bilaspur (C.G.)
(Plaintiff)

2. State of Chhattisgarh, through the Collector, Bilaspur, District
Bilaspur (C.G.)

(Defendant No.2)

---- Respondents

For Petitioner: Mr. Ram Kumar Tiwari, Advocate.
For Respondent No.2/State: Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

19/06/2017

1. The trial Court has allowed the plaintiff's application to examine his witness Bechelal Kurmi on Commission holding that he is suffering from paralysis and aged about 70 years which is sought to be challenged by way of this petition.
2. Learned counsel for the petitioner/defendant No.1 would submit that there is neither any affidavit that witness Bechelal Kurmi is suffering from paralysis nor any medical certificate has been filed to this effect.
3. I have heard learned counsel for the petitioner/defendant No.1.

4. The trial Court has clearly recorded a finding that the plaintiff himself has filed affidavit in support of that application and finding that the witness has been sought to be examined on Commission as he is suffering from paralysis, therefore, the challenge is not tenable. Next ground is that witness Bechelal Kurmi is not a witness to be examined. It is for the plaintiff to cite the witness and examine him. I do not find any jurisdictional error in the impugned order. Consequently, the petition is dismissed in limine. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge