

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP (227) No.242 of 2017**

Shailendra Singh Chhatry, S/o Narayan Singh, aged about 28 years, R/o Sindhi Colony, Near Forest Office, Jarhabhata, Bilaspur, Tahsil & District-Bilaspur (CG)

---- Petitioner

Versus

1. Dilip Yadav, S/o. Late Chedilal Yadav, Aged about 40 years, R/o Uslapur, Bilaspur, Present Add:- Village Lakhasar, Via Village - Katakoni, Tahsil-Takhatpur, District-Bilaspur (CG)
2. State of Chhattisgarh, Through:- Collector, District Bilaspur (CG)

---- Respondents

For Petitioner	:	Mr.Hemant Gupta, Advocate
For Respondent No.1	:	Mr.B.M.Rai, Advocate
For Respondent No.2	:	Mr.Manish Nigam, Dy.G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****24/3/2017**

Heard.

1. Present writ petition under Article 227 of the Constitution of India is directed against the order dated 22.2.2017 passed by the Additional District Judge, Bilaspur in Civil Suit No.257A/15 by which the Court below has closed the plaintiff's right to lead further evidence.
2. Learned counsel for the petitioner submits that the Court below ought to have appreciated that the witnesses could not remain present because of the reasons assigned in the application and even though medical certificate was not produced, the Court below ought to have permitted the petitioner/plaintiff to give one more opportunity to produce the witnesses as the petitioner

happens to be the plaintiff and if the petitioner is not allowed to lead evidence of its witnesses, serious prejudice would be caused to him. It is submitted that some of the witnesses were present, but they could not be examined and out of seven witnesses, three have been examined and remaining witnesses remained to be examined.

3. I have gone through the order-sheets. It is found that more than one opportunity was granted by the Court below to the the petitioner/plaintiff to lead the evidence. Last order-sheet shows that last opportunity was granted, yet the plaintiff acted casually. The Court below has recorded that no medical certificate or affidavit has been filed. In these circumstances, the Court below has rightly closed the right of the petitioner/plaintiff to lead the evidence.
4. I do not find any jurisdictional error in the order impugned. Accordingly, the writ petition is dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge