

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.619 of 2017**

Smt. Manjulata Mishra W/o Late Ramesh Prasad Mishra, Aged About 62 Years Occupation Housewife, R/o Turkapara, Palace Road, Raigarh, Tahsil & District Raigarh, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Collector, Raigarh, Chhattisgarh.
2. The Sub Divisional Officer (Revenue), Gharghoda, District Raigarh, Chhattisgarh.
3. The Tahsildar, Office Of Tahsildar, Tamnar, District Raigarh, Chhattisgarh.
4. Halka Patwari, P. H. No. 38, Tahsil Tamnar, District Raigarh, Chhattisgarh.
5. Anandram Teli S/o Dashrath Teli, R/o Barbhantha Chowk, Tamnar, Tahsil Tamnar, District Raigarh, Chhattisgarh.

--- Respondents

For Petitioner	:	Mr. L.C. Dash, Advocate
For State	:	Mr. Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

31/08/2017

(1) By the impugned order dated 11.07.2017 and 09.08.2017, the petitioner's opportunity to lead evidence has been closed and the application filed under Order 16 Rule 1 of CPC has been rejected by the trial Court against which this writ petition under Article 227 of the Constitution of India has been filed by the petitioner herein.

(2) Learned counsel appearing for the petitioner would submit that all the witnesses have been examined before the trial Court except Halka Patwari, P.H. No.38, Tahsil Tamnar, District Raigarh and his evidence is very much necessary for just and proper disposal of the suit and therefore, in the interest of justice one opportunity may be granted to lead evidence.

(3) I have heard learned counsel for the petitioner and perused the impugned order.

(4) So far as the Tahsildar and Patwari concerned both are the parties and defendants in the suit and the defendants' evidence have been fixed for their examination on 04.09.2017. If the counsel for the State does not examine the Tahsildar and Patwari concerned on that day and in that event, the petitioner will be at liberty to make an application for summoning to the defendants No.3 & 4 before the trial Court and in turn, trial Court will consider and decide the said application for their examination.

(5) With the aforesaid observation, the writ petition stands finally disposed of. No order as to costs.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-