

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 716 of 2017**

Raghavendra Das Vaishnav S/o Late Narendra Das Vaishnav, Aged About 52 Years R/o A-1, Anushtha Residency, Junwani, Khamariya Road, Bhilai, District Durg, (C.G.) Plaintiff

---- Petitioner**Versus**

1. Premlal Sahu S/o Late Bodhan Sahu, Aged About 70 Years R/o Village Junwani, Tahsil Durg, District Durg, Chhattisgarh
2. State Of Chhattisgarh, Through The Collector, Durg, District Durg, Chhattisgarh
3. Deputy Registrar, Office Of The Registrar, Durg, District Durg, Chhattisgarh
4. Joint Director, Town And Country Planning Department, New Town Planning Building Durg, District Durg, Chhattisgarh
5. Tahsildar, Durg, District Durg, Chhattisgarh
6. Devesh Dakaliya S/o Naresh Dakaliya, Aged About 31 Years R/o Sadar Bazaar, Rajnandgaon, Tahsil & District Rajnandgaon, Chhattisgarh
7. Naresh Dakaliyam S/o Jeevanchand Dakaliya, Aged About 56 Years R/o Sadar Bazaar, Rajnandgaon, Tahsil & District Rajnandgaon, Chhattisgarh Defendants

---- Respondents

For Petitioners	:	Shri Alok Bakshi, Advocate.
For State	:	Shri Aditya Sharma, Panel Lawyer.

Order On Board**26/09/2017**

(1) The petitioner/plaintiff's right to adduce evidence has been closed by the trial Court on 06.09.2017 on the ground that he could not appear before the trial Court for his cross examination *whereas* learned counsel for the petitioner would submit that he appeared before the trial Court on that day at 4.20 pm and, therefore, the order dated 06.09.2017 be set aside.

(2) I have heard counsel for the petitioner and perused the order

impugned.

(3) Be that as it may, since the petitioner has appeared before the court at the later point of time, in the interest of justice, order dated 6.9.2017 is liable to be and is hereby set aside subject to payment of cost of Rs.5,000 payable to defendant No. 1. It is directed that the petitioner shall remain present before the trial Court for his cross examination tomorrow i.e. on 27.09.2017 and he will be cross-examined, thereafter, the trial Court will proceed further with the suit. The petitioner is at liberty to file affidavit in this regard before the trial Court today.

(4) Accordingly, the writ petition is allowed to the extent indicated hereinabove.

(5) Certified copy, today.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-