

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WP227 No. 755 of 2017**

Kapoorchand S/o Revaram Aged about 52 years, Village Karra, Tahsil Kota, District Bilaspur, Chhattisgarh. Through its Power of Attorney holder Hemant Kumar S/o Kapoorchand Son of Revaram Aged 40 years, Village Karra, Tahsil Kota, District Bilaspur, Chhattisgarh.

---- **Petitioner****Versus**

1. Kumari Manorama Aged about 11 years, Minor Through Her natural guardian Mother Jaykuwar Wife of Ramgopal Ram Aged 50 years, R/o Village Karra, Tahsil Kota, District Bilaspur, Chhattisgarh.
2. Jaykuwar W/o Ramgopal Ram Aged about 50 years, R/o Village Karra, Tahsil Kota, District Bilaspur, Chhattisgarh.
3. The State of Chhattisgarh, Through The Collector, Bilaspur, Chhattisgarh.

---- **Respondents**


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| For Petitioner | : | Mr. Vikram Dixit, Advocate. |
| For State      | : | Mr. Shashank Thakur, G.A.   |

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order On Board****13/10/17**

By the impugned order dated 13.09.2017, the application filed by the plaintiff's under Order 18 Rule 17 of the CPC and also the application filed under Section 45 of the Evidence Act has been rejected by the trial Court finding no merit against which this writ petition under Article 227 of the Constitution has been preferred by the petitioner.

2. Learned counsel for the petitioner would submit that the impugned order is unsustainable and bad in law.
3. The trial Court has clearly held that the application filed by the plaintiff under Order 18 Rule 17 of the CPC cannot be invoked for recalling of the

witnesses at the instance of the plaintiff and further held that the evidence of both the parties has already been closed and the case is fixed for final arguments as the suit was filed on 19.03.1996.

4. The reasons assigned by the trial Court is valid and sufficient and I do not find any illegality or perversity in the impugned order warranting interference under the jurisdiction of Article 227 of the Constitution of India.

5. Accordingly, the writ petition deserves to be and is hereby dismissed.

SD/-

**(Sanjay K. Agrawal)**  
Judge