

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 749 of 2017**

Jayanti Lal Mishra S/o Late Jatashankar Mishra Aged about 54 years, R/o Village Jairam Nagar, Tehsil- Masturi, District Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. Gopal Prasad Mishra S/o Late Jatashankar Mishra Aged about 68 years, R/o Village Jairam Nagar, Tehsil- Masturi, District Bilaspur, Chhattisgarh.
2. Atma Ram S/o Late Jatashankar Mishra, Aged about 62 years, R/o Village Jairam Nagar, Tehsil- Masturi, District Bilaspur, Chhattisgarh.
3. State of Chhattisgarh, Through- Collector, Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner	: Mr. Sanjay Patel, Advocate.
For Respondents/State	: Mr. Aditya Sharma, P.L. for the State

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****12/10/17**

Learned counsel for the petitioner would submit that on 24.08.2017 the plaintiff's witness Smt. Sahin Thakur could not appear in the trial Court on account of Tija festival and the opportunity to adduce his evidence has been closed vide order dated 24.08.2017 which is unsustainable and bad in law.

2. On the other hand, learned State Counsel would oppose the submissions made by the counsel for the petitioner and would support the impugned order.

3. I have learned counsel for the parties and perused the impugned order with utmost circumspection.

4. Since the plaintiff has already examined two witnesses and the affidavit of Smt. Sahin Thakur has also been filed and considering that the suit was instituted in the year 2015 and the reasons assigned for non-appearance, it would be expedient to allow the plaintiff to examine his witness Smt. Sahin Thakur on 13.10.2017 subject to payment of cost of Rs. 2,000/- to the defendants No. 1 and 2. The defendants would be at liberty to move an application for modification if they feel aggrieved.

5. With the aforesaid observation, the writ petition is disposed of. No order as to cost(s). Certified copy, today.

SD/-
(Sanjay K. Agrawal)
Judge

Priyanka