

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 767 of 2017**

Arjun Singh Banjare S/o Dr. N. L. Banjare Aged about 30 years, R/o Ward No. 50, Borsi Bhata, Durg, Chhattisgarh.

---- Petitioner

Versus

Smt. Archana Banjare W/o Arjun Singh Banjare, Aged about 30 years, R/o Qr. No. 638-640/2A/ 4, Balco Nagar, Korba, Chhattisgarh.

---- Respondent

For Petitioner	:	Mr. Rahul Tamaskar, Advocate.
For Respondents	:	Mr. Gurudev I. Sharan, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****26/10/17**

By the impugned order dated 28.06.2017, the Family Court, Korba has rejected the application filed by the petitioner/defendant under Order 17 Rule 1 of the CPC.

2. Learned counsel appearing on behalf of the petitioner would submit that the impugned order is unsustainable and bad in law and is liable to be set aside. Learned counsel for the petitioner would further submit that one more opportunity be given to the petitioner/defendant to cross-examine the plaintiff and her three witnesses.

3. On the other hand, learned State counsel would oppose the submissions made by the counsel for the petitioner and would submit that number of opportunities have already been given to the petitioner but that has not been taken care of by the petitioner and unnecessarily adjournments have been sought. Therefore, the Family Court has rightly closed the opportunity of the petitioner/defendant to lead evidence.

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

5. On careful perusal of the impugned order, it is true that the petitioner has sought number of adjournments and has not shown any respect either to the Court or to the other side but since it is a matrimonial dispute and the suit has been filed for grant of divorce under the provisions of the Hindu Marriage Act, it would be appropriate to grant one more opportunity to the petitioner/defendant to cross-examine the plaintiff and her three witnesses on 30.10.2017 subject to payment of cost of Rs.10,000/- payable to the plaintiff on the next date of hearing. On that date, the plaintiff and her three witnesses shall remain present before the Family Court and they will be cross-examined by the petitioner and his counsel. It is made clear that no further adjournment will be granted and the cost shall be paid to the plaintiff on 30.10.2017 itself. The Family Court is also directed to dispose of the suit expeditiously within one month from today.

6. With the aforesaid directions, the writ petition stands finally disposed of. No order as to cost(s).

Certified copy today.

Sd/-

(Sanjay K. Agrawal)
Judge