

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 787 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 Qt. No. 638-640/2 A/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****01/11/17**

1. By the impugned order dated 06.10.2017 the Principal Judge, Family Court, Korba has rejected the application of the petitioner filed under Order 17 Rule 1 of the CPC and closed the opportunity of the petitioner / defendant to lead his evidence.
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.
3. On the other hand, Mr. Gurudev I. Sharan, learned counsel appearing on behalf of the respondent would oppose the submissions made by learned counsel for the petitioner.
4. I have heard learned counsel for the parties and perused the impugned order with utmost circumspection.

5. Since this dispute is a matrimonial dispute and the suit has been filed for divorce under the Hindu Marriage Act, 1955 therefore, it would be appropriate to grant one more opportunity to the petitioner / defendant to lead his evidence subject to payment of cost of Rs. 5,000/- to the respondent / plaintiff. It is made clear that the defendant and his witnesses will be examined on the next date of hearing and the cost will be paid to the plaintiff on that date only.

6. With the aforesaid observation, the writ petition stands finally disposed of.

Certified copy, today.

Sd/-

(Sanjay K. Agrawal)

Judge