

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 849 of 2017**

Ajay Kumar Reddy S/o Mr. Parmanand Reddy, aged about 47 years, R/o C/o Mr. Parmanand Reddy, Quarter No. D/19, Sector-01, Devendra Nagar, Raipur District Raipur Chhattisgarh

---- Petitioner

Versus

Smt. Rajshree D/o Mr. Brhamraj Naidu, aged about 42 years, R/o Quarter No. 01/A, Road No. 36, Sector-08, Bhilai, Tehsil & District Raipur Chhattisgarh

---- Respondent

Applicant in Person : Mr. Ajay Kumar Reddy.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****17/11/17**

1. By the impugned order dated 03.11.2017, the petitioner's application filed under Order 17 Rule 1 and 2 of the C.P.C. has been rejected and his opportunity to examine his two witnesses has been closed by the Court below against which this writ petition under Article 227 of the Constitution has been preferred by the petitioner.
2. The petitioner / applicant present in person would submit that he could not pay the process fee for appearance of his two official witnesses as his counsel's father died after the date of hearing. Therefore, he may be granted one more opportunity to examine his two witnesses.
3. I have heard the applicant in person.
4. The prayer appears to be fair and reasonable and is accordingly allowed.

5. The reason assigned by the applicant is sufficient and valid and, therefore, it would be appropriate to grant him one more opportunity to examine his two witnesses. The trial Court is directed to issue summon to the two official witnesses namely- Manager, Housing Lease, BSP and Mr. Rao, Architect, Bhilai and it is the duty of the applicant to serve them humdast after issuance of the process fee not later then ten days from 20.11.2017 which is the date fixed for hearing. It is made clear that if the process fee is not paid by the applicant, no further time will be granted by the trial Court. However, if the summon is properly served, then the trial Court is directed to allow the applicant to examine his two witnesses subject to payment of cost of Rs. 2,000/- to the defendants.

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

Sd/-

(Sanjay K. Agrawal)
Judge