

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 415 of 2017

Umediram S/o Akhru Lodhi, aged about 55 years, R/o village Junwani,
Tehsil- Khairagarh, Distt. Rajnandgaon (C.G.).

---- Petitioner

Versus

1. Madan S/o Ghanaram Lodhi, aged about 47 years, R/o Village Junwani,
Tehsil- Khairagarh, Distt. Rajnandgaon, (C.G.).
2. State of C.G. Through the Collector, Rajnandgaon, Distt.- Rajnandgaon
(C.G.).

---- Respondents

For Petitioner : Mr. Rakesh Pandey, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

22/06/2017

1. The Trial Court has closed the opportunity of plaintiff to examine his witnesses by rejecting application under Order 17 Rule 1 of C.P.C. on the ground that sufficient time has been granted to the Plaintiff to adduce evidence.
2. Learned Counsel for the Petitioner would submit that the Plaintiff has filed the affidavit of his witnesses under Order 18 Rule 4 of C.P.C.
3. I have heard learned counsel for the Petitioner and considered his rival submissions made herein above.
4. The suit was filed on 01/12/2014 and the Plaintiff has already filed affidavit of his witnesses on 26/09/2016. The earlier adjournments were

granted on finding sufficient cause. Therefore, in the interest of justice and subject to payment of cost of Rs. 3,000/- to the defendant No. 1, it is directed that on 27th of June, 2017, the Plaintiff shall keep his witnesses present and examine all his witnesses before the Trial Court, However, if the defendant is aggrieved by this order, it is open for him to file application for modification.

5. With the aforesaid observations, the writ petition stands disposed of.

6. No cost(s).

Sd/-
SANJAY K. AGRAWAL
Judge

Rahul