

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP (227) No.770 of 2016**

1. Chainu Ram, son of Pardeshi Nishad, aged about 50 years, resident of Lohara Road Kawardha, Tehsil Kawardha, District Kabirdham, Chhattisgarh
2. Chhanu Ram, son of Pardeshi Nishad, aged about 35 years, resident of Lohara Road Kawardha, Tehsil Kawardha, District Kabirdham, Chhattisgarh

---- Petitioner**Versus**

1. Mannu Ram, son of Pardeshi Nishad, aged about 45 years, resident of Ram Nagar Kawardha, Tehsil Kawardha, District Kabirdham, Chhattisgarh
2. Arjun Ram, son of Pardeshi Nishad, aged about 40 years, resident of Village Karhi, Post Dashranpur, Tehsil Kawardha, District Kabirdham, Chhattisgarh

---- Respondents

For Petitioners	:	Mr.P.P.Sahu, Advocate
For Respondents	:	Msr.Dharmesh Shrivastava, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****13/02/2017**

1. The petitioners are the defendants before the trial Court. Their application for examination of Shri J.S. Thakur and Shri Madan Singh Thakur, Advocate has been rejected by the trial Court on the ground that no reason has been assigned in not including them in the list.
2. Learned counsel for the petitioners would submit that immediately after closure of the plaintiffs witnesses, application has been made, which has been rejected by the

trial Court.

3. On the other hand, learned counsel appearing for the respondents, would oppose the writ petition.
4. Taking into consideration the fact that immediately after the examination of the plaintiffs witnesses, application was filed. Their explanation is just and proper. Accordingly, in the interest of justice and for just and proper disposal of the case, the order impugned is set aside subject to payment of cost of ₹ 5000/- to the respondents on the next date of hearing. The trial Court is directed to summon and examine both the witnesses at the earliest.
5. The writ petition is allowed to the extent indicated hereinabove.

Sd/-

(Sanjay K.Agrawal)
Judge

B/-