

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.490 of 2017**

1. Deputy Inspector General Of Police Central Reserve Police Force, Pallipuram, Trivendram 695316, Permanent R/o Village-Trikalpur, Post- Mohadih, Police Station Rahatwar, District-Baliya, (Uttar Pradesh)
2. Sanjay Kumar Singh S/o Chandrashekhar Singh Aged About 41 Years Occupation- Service, Place Of Posting 222 Bn. C.R.P.F. Camp Nandini Mines, Police Station Nandini, District Durg, Chhattisgarh Permanent R/o Village Trikalpur, Post- Mohadih, Police Station Rahatwar, District Baliya (Uttar Pradesh)

---- Petitioners**Versus**

Praveen Kumar Nirmalkar, aged about 22 years, S/o Ganesh Nirmalkar, R/o House Number Chatai Road, Ward No.7, Ahiwara, Police Station Nandini, Bhilai, Tahsil Dhamdha, District Durg (CG).

--- Respondent

For Petitioners : Mr. N.K. Vyas, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

21/07/2017

(1) Learned counsel appearing for the petitioners would submit that the petitioner have filed affidavit of Prashant Singh Yadav under Order 18 Rule 4 of CPC as examination in chief and photocopies of the Court of enquiry have already been produced on record before the trial Court and the original record could not produce before the trial Court on 29.06.2017 and, therefore, the trial Court has closed the right of the petitioner to lead evidence and the case has been fixed for final hearing on 14.07.2017 against which this petition under Article 227 of the Constitution of India has been filed by the petitioners herein.

(2) I have learned learned counsel for the petitioners and perused the impugned order with utmost circumspection.

(3) Be that as it may, since the affidavit of Prashant Singh Yadav as examination in chief has already been filed and photocopies of the Court of enquiry has also been produced on record and only original document has to be produced before the trial Court, considering the submissions and difficulties pointed out to this Court, I deem it appropriate to grant an opportunity to the petitioners to lead evidence, subject to payment of cost of Rs.2,000/- to the claimants on the next date of hearing as fixed by the trial Court on 28.07.2017. However, the respondents are at liberty to move an application for modification of the order, if they are aggrieved.

(4) Consequently, the writ petition is allowed to the extent indicated herein-above. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

L/-