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HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 754 of 2017**

1. Smt. Meera Agrawal W/o Shri Prabhat Shankar Agrawal, Aged about 65 years, R/o 36/4, East Bhilai, District Durg, Chhattisgarh
2. Prabhat Shankar Agrawal S/o Shri K.G.Agrawal, Aged about 69 years, R/o 36/4, East Bhilai, District Durg, Chhattisgarh
3. Vikash Agrawal S/o Shri Prabhat Shankar Agrawal, Aged about 39 years, R/o 36/4, East Bhilai, District Durg, Chhattisgarh(Plaintiffs)

---- Petitioners**Versus**

1. Maharshi Patanjali Shikshan Samiti Registered Under Society Registration Adhiniyum 1973 Registration 430 of 2001, Head Office-36/3, Main Road, Nehru Nagar, Bhilai, Chhattisgarh Through- (1) The Chairman Maharshi Patanjali Shikshan Samiti Shri Anand Shridhar Joshi, aged 59 years, S/o Shridhar Joshi, MIG-2, Padmnabhpur, Durg, Chhattisgarh
2. The Secretary, Maharshi Patanjali Shikshan Samiti Shri Ravindra Kumar Shukla Aged about 38 years, S/o Shri Gaya Prasad Shukla 15/19 A, Motilal Nehru Nagar (East) Bhilai, Chhattisgarh(Defendants)

---- Respondents

For Petitioners : Mr. Anurag Dayal Shrivastava, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****13/10/17**

By the impugned order dated 04.09.2017, the trial Court has rejected the application of the petitioner/plaintiff under Order 17 Rule 1 of the CPC and also the opportunity to adduce evidence of the plaintiff has been closed.

2. Learned counsel for the petitioner would submit that the only witness remained to be examined on behalf of the plaintiff is plaintiff No. 03- Mr. Vikash Agrawal as on 04.09.2017 he fell sick and could not appear before the trial Court for cross- examination. Therefore, the impugned order is

unsustainable and bad in law and is liable to be set aside and the plaintiff may be allowed to adduce the evidence or else he will suffer great prejudice.

3. I have heard learned counsel for the petitioner.

4. The prayer appears to be fair and reasonable and is accordingly allowed.

5. Taking into account the reasons assigned by the counsel for the petitioner and in the ends of justice, it is directed that the plaintiff's witness Mr. Vikash Agrawal be examined on 03.11.2017 subject to payment of cost of Rs. 2,000/- to the defendants. However, the defendants would be at liberty to move an application for modification of the order, if they are aggrieved.

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

Sd/-

(Sanjay K. Agrawal)
Judge