

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No.259 of 2017**

- Manki Bai D/o Shri Deen Dayal Manikpuri, Aged About 45 Years R/o Kumhari, Presently Resided At Dharaseev, Tahsil And District Raipur (Now Balaudabazar Bhatapara), Chhattisgarh.

---- **Petitioner****Versus**

1. Gopal Das S/o Shri Seetal Das Manikpuri, Aged About 52 Years R/o Kumhari, Tahsil Baloda Bazar, District Raipur (Now Balodabazar Bhatapara), Chhattisgarh.
2. State Of Chhattisgarh, Through The District Collector, Raipur District Raipur (Now Balodabazar Bhatapara), Chhattisgarh.

---- **Respondents**

For Petitioner	:	Shri P. K. Patel, Advocate
For Respondent/State	:	Shri UNS Deo, GA

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****29/03/2017**

Heard on admission.

2. This petition under Article 227 of the Constitution of India is preferred against order dated 14-02-2017, by which, the petitioner's right to lead evidence has been closed.

3. Learned counsel for petitioner submits that the petitioner being plaintiff seeking declaration in respect of immovable property is entitled to full opportunity of hearing. He submits that the petitioner had sought adjournment on bonafide grounds as relevant documents were not available with him, but the Court below instead of granting one more opportunity, has rejected his application under Order XVII Rule 1 CPC.

4. I find that prior to the date of passing of impugned order, at least three

opportunities were granted to the petitioner including last opportunity to lead evidence. This having been not done and as there is no justified ground to grant one more opportunity to the petitioner, in my opinion, no illegality has been committed by the learned Court below while rejecting petitioner's application under Order XVII Rule 1 CPC by the impugned order.

5. In the result, the petition is dismissed.

SD/-
(**Manindra Mohan Shrivastava**)
Judge