

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (227) No.356 of 2017**

1. M/s Monnet Ispat Limited (Now M/s Monnet Ispat & Energy Limited), A Company Duly Incorporated Under The Provisions Of Companies Act, 1956, Having Its Registered Office At Monnet Marg, Mandir Hasaud, District Raipur, Chhattisgarh. Through Its Authorized Signatory Shri Pradeep Kumar Singh Baghel.  
----- **Petitioner**

**Versus**

1. Shri S. K. Iyer R/o C-12, 1st Floor, Opposite Khemka Hospital Near Sai Mandir, Devendra Nagar, Raipur, And Having Office At Metallic Alloys Limited Plot No. 29, C S I D C Industrial Area, Siltara, District Raipur (Chhattisgarh)
2. Smt. Shashi Iyer, W/o Shri S. K. Iyer, R/o C-12, 1st Floor, Opposite Khemka Hospital Near Sai Mandir, Devendra Nagar, Raipur (Chhattisgarh)
3. Shri Shravan Kumar Tiwari, S/o Late B. N. Tiwari R/o Near Shitla Mandir, Tikrapara, Raipur, District Raipur Chhattisgarh.
4. Shri Rajendra Sharma, S/o Shri Vishnu Prasad Sharma, R/o Punjab Mill Gali, Ramsagar Para, Raipur, District Raipur Chhattisgarh.  
----- **Respondents**

For Petitioner : Mr. Ankit Singhal, Advocate

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

**11/05/2017**

(1) By the impugned order dated 27.03.2017, the trial Court has closed the petitioner/plaintiff's opportunity to lead the evidence against which this petition under Article 227 of the Constitution of India has been filed.

(2) Learned counsel appearing for the petitioner/plaintiff submits that on 09.01.2017, the plaintiff's witness Mr. PKS Baghel was present in the Court at 11:am before the trial Court, but on the instruction, he went to Notary for attestation of his affidavit which was required to be

filed in the suit, but unfortunately at 12:00pm the court proceeded with case and closed the right of the plaintiff's evidence for non-appearance of the said witness. Against that order on the same day at 1:00pm, he moved an application for reconsideration of the order dated 09.01.2017 as the said witness was present at 11:00 am before the Court and that has not been considered and right of the plaintiff to lead evidence has been closed.

(3) I have heard learned counsel for the petitioner and perused the impugned order with utmost circumspection.

(4) After hearing learned counsel for the petitioner to some extent, I deem it appropriate to grant an opportunity to the plaintiff to lead evidence of Mr. PKS Baghel subject to payment of cost of Rs.10,000/- to the respondent No.1 herein on the next date of hearing as fixed by the trial Court. It is directed that the plaintiff will examine only Mr PKS Baghel. However, the defendants are at liberty to make an application for modification of the order, if they are aggrieved.

(5) Since the suit has been filed on 21.03.2006, the trial Court is directed to expedite the trial of the suit and conclude the same preferably within a period of three months from the date of receipt of copy of this order.

(6) Accordingly, the writ petition is allowed to the extent indicated herein-above. No order as to cost.

Sd/-

**(Sanjay K. Agrawal)**  
Judge

L/-