

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (227) No. 373 of 2017**

Dr. Krishna Pratap Pandey, aged about 46 years, S/o Shri Keshav Prasad Pandey, R/o- Imlipara Gali No. 2, Old bus stand, Bilaspur (C.G.)Plaintiff

---- Petitioner**Versus**

1. Smt. Sujata Mitra, aged about 44 years, W/o Prasann Jeet @ Subhash Mitra, R/o – Vinoba Nagar, Near Street No. R-2, Bilaspur, Tahsil & District Bilaspur (C.G.)
2. State of C.G. (C.G. Government), Through – Collector, Bilaspur, District Bilaspur (C.G.), Formal party.

---- Respondents

For Petitioner: Mr. Neeraj Choubey, Advocate.
For Respondent No. 2/State: Mr. Arun Sao, Dy. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****19/05/2017**

(1) By the impugned order dated 22.03.2017, the trial Court has declined to struck off issue No. 1 on the ground that plaintiff's evidence has been closed, against which instant writ petition under Article 227 of the Constitution of India has been filed.

(2) Learned counsel for the petitioner would submit that the order impugned passed by the trial Court is absolutely illegal and bad in law and therefore the same is liable to be set aside.

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

(4) Order dated 22.03.2017 passed by the trial Court declining to struck off an issue No. 1 is purely discretionary order by the trial Court, who is seized of the matter particularly in view of the fact plaintiff has already closed his evidence. Sufficient and valid reasons have been assigned by the trial Court while passing the impugned order, in which I do not find any illegality warranting interference by this Court in the petition filed under Article 227 of the Constitution of India.

(5) Accordingly, the writ petition fails and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-