

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 409 of 2017**

- Sadik Mohammad S/o Late Gulam Mohammad, Aged About 45 Years R/o Near Gandhi Maidan (Chowk), Bramhapuri, Raipur, District Raipur (Chhattisgarh).

---- Petitioner**Versus**

1. Canara Bank Banking Companies (Acquisition And Transfer Of The Undertaking) A Corporate Association, Under The Company Act 1970, Head Office Bangalore, Branch Office, Canara Road, G. E. Road, Telibandha, Raipur, District Raipur, Tahsil And District Raipur (Chhattisgarh).
2. Jagdish Prajapati, S/o Chouthi Prajapati, Aged About 62 Years Prajapati Traders, Near Viveknand School, Kailashpuri, Raipur, District Raipur (Chhattisgarh).

---- Respondents

For Petitioner : Shri C.R. Sahu, Advocate

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****08.06.2017**

1. Heard on I.A. No.2/2017, for hearing during summer vacation and I.A. No.3/2017, for urgent hearing.
2. On due consideration, both the interim applications are disposed of.
3. Learned counsel for the petitioner would submit that in the present matter issuance of notices to the respondents are not required and the matter may be disposed of finally because the trial Court observed that defendant No.1 / petitioner had prayed for formulation of additional issues in his interim application filed under Order 14 Rule 5 CPC dated 19.01.2017 is already covered by issues formulated by Court earlier. With this, the petitioner may be permitted to adduce evidence for the facts mentioned in the said interim application and the Court below be directed

to appreciate said facts while deciding the issues already framed by the trial Court.

4. Perused the order dated 12.04.2017 and the observation of the trial Court in this behalf.

5. On due consideration, instant WP(227) is hereby disposed of without even noticing to respondents and petitioner is permitted to adduce evidence on the facts surfaced in his interim application under Order 14 Rule 5 CPC dated 19.01.2017 in addition to his pleadings, if any, and the trial Court shall consider all the above evidence and facts in the light of observation of the trial Court itself under the law.

6. With these directions and observations, the instant WP(227) is disposed of.

7. No orders as to cost.

8. Registrar (Judicial) is directed to sent a copy of this order to the Court below through usual and fax mode immediately.

Sd/-

(Chandra Bhushan Bajpai)
Vacation Judge