

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 514 of 2014**

A. N. Mandavi S/o Bisouha Ram Mandavi, aged about 45 years, Charge-man Personnel No. 140388, Power Plant No. 1, Bhilai Steel Plant, Bhilai, P. S. Bhilai, Tahsil and District Durg (C.G.)

---- **Petitioner / Defendant**

Versus

Ramadhar S/o Tapasi R/o Quarter No. 7 – B, Road No. 32, Sector-10, Bhilai Nagar, Tahsil and District Durg (C.G.)

---- **Respondent / Plaintiff**

For Petitioner

: Shri B. P. Singh, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

09/10/18

1. By the impugned order dated 13.05.2014, the defendant's opportunity to lead evidence has been closed on the ground that earlier two adjournments has already been granted.
2. Learned counsel for the petitioner submits that the impugned order is unsustainable and bad in law and is liable to be set aside.
3. The trial Court has rejected the petitioner / defendant's application for adjournment only on the ground that earlier adjournment has been granted ignoring the fact that earlier adjournments were granted on valid and bonafide grounds [See (2000) 8 SCC 532; ***State Bank of India v. Chandra Govindji***].
4. In view of the above, the impugned order is set aside. The petitioner / defendant is granted one opportunity and will be allowed to lead his evidence. The defendant will keep his witnesses present before the trial Court on the date fixed by the trial Court subject to payment of cost of Rs.2,000/- to the plaintiff. The trial Court is directed to decide the suit

expeditiously within a period of three months from the date of receipt of copy of this order as the suit is pending consideration since 19.01.2006. However, the plaintiff is at liberty to move an application for modification of the order, if any.

5. With the aforesaid observation, the writ petition is disposed of. No cost(s).

6. A copy of this order be sent to the trial Court through concerned District Judge by Fax.

Sd/-

(Sanjay K. Agrawal)
Judge