

HIGH COURT OF CHHATTISGARH, BILASPUR

FA No. 16 of 2016

Jayant Prabhakar Mahajan S/o Late Prabhakar A. Mahajan, Aged About 82 Years Now, R/o Raoutpara Jagdalpur District Bastar, Chhattisgarh.

---- Appellant

Versus

1. Smt. Suman Sarade W/o Narayan Rao Sarade, Aged About 60 Years R/o Motilal Neharu Nagar Ward Jagdalpur District Bastar, Chhattisgarh.
2. Dr. Arvind Prabhakar Mahajan S/o Late P.A. Mahajan, R/o Mahajan Nursing Home Godia Road Balaghat District Balaghat M.P.
3. Deepak Prabhakar Mahajan S/o Late P.A. Mahajan, R/o Rita Sadan Sindhi Colony Balaghat District Balaghat M.P.

---- Respondents

For Appellant : Mr. P.K. Tulsyan, Advocate
For respondents : Mr. Vikash A. Shrivastava, Advocate

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

26/06/2018

1. This appeal is preferred against the judgment dated 30.10.2015 passed by Third Additional District Judge, Bastar, Civil District- Bastar at Jagdalpur (C.G.) in Civil Suit No. 4A/2013 wherein the said court dismissed the suit filed by the appellant/ plaintiff declaring void the sale deed dated 01.05.1996 and other consequential relief.
2. The core issue just raised by the appellant is that the case had been adjudicated without recording evidence of the plaintiff though the appellant was provided an opportunity to adduce the evidence before the trial court but he did not avail.
3. Upon hearing both sides, this Court is of the view that an opportunity be provided to the appellant and other side to adduce evidence for deciding the case on merits.

4. The appellant filed a list of 5 witnesses namely Jayant Mahajan Prabhakar, Kanwar Lal Goyal, Manoj Parakh, Arun Ghote & Prabhajeet Singh to whom he will examine before the trial court and thereafter other side will have the same opportunity to adduce oral and documentary evidences.
5. Looking to the peculiar facts of the case, it is directed that both the parties shall appear before the trial court on 30th July, 2018 and evidence of appellant side shall be recorded upto 14th September, 2018 and evidence of respondent side shall be recorded upto 30th October, 2018 and thereafter, the trial court shall adjudicate the case on the basis of merits of the case.
6. Accordingly, the appeal stands disposed of.
7. Record of the trial court be sent immediately.

Sd/-
(Ram Prasanna Sharma)
Judge

Arun