

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 837 of 2017**

- Smt. Sandhya Parakh W/o Shri Narendra Parakh, Aged About 53 Years R/o Parakh Mension, Gudhiyari, Raipur, District Raipur, Chhattisgarh, Through Power of Attorney Narendra Kumar Parakh, Aged About 57 Years, S/o Shri Panchi Lal Ji Parakh, R/o 11/1171 Parakh Mension, Gudhiyari, Raipur, District Raipur, ChhattisgarhDefendant No.2

---- Petitioner**Versus**

1. State of Chhattisgarh Through Public Works Department, Division No.1, Raipur, Chhattisgarh, Officer In Charge, Sub Divisional Officer, Public Works Department-1, Raipur, ChhattisgarhPlaintiff
2. Raipur Jila Grih Nirman Sahkari Samiti Maryadit Registered Under Chhattisgarh Co-Operative Society Act Having Registration No. D R R P R/7/1960, Panchsheel Nagar, Raipur, ChhattisgarhDefendant No.1

---- Respondents

For Petitioner	:	Ms. Priya Mishra, Advocate
For Respondent-State	:	Shri S.K. Mishra, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****10/04/2018**

1. This petition is against the order dated 10.08.2017, whereby an application preferred by defendant/petitioner under Order 11 Rule 12 & 14 read with Section 151 CPC was dismissed.
2. Perusal of the suit would show that the suit was filed by the State for cancellation of a deed and for possession, wherein the petitioner is respondent No.2. Perusal of the pleading of the plaint would show that an exchange deed has been said to be executed on 18.06.1998, which is registered with the Sub-Registrar, Raipur, was sought for production along

with it another discovery and production of the document of various note-sheets and order-sheets were called for. Learned court below dismissed the petition on the ground that the said documents are not required for production and fixed the case for plaintiff's evidence. The pleading of plaintiff itself contains the fact about the exchange deed dated 18.06.1998 and various proceedings which transacted in between the State were also pleaded. It is for the plaintiff to prove his case before the Court and if the document is registered, the defendant can also get the certified copy of the same and place it for the same and further may adduce his evidence, if so advised. In view of the same, I do not find any illegality in the order impugned to interfere in exercise of powers under Article 227 of the Constitution of India.

3. Accordingly, the writ petition is dismissed.

Sd/-
Goutam Bhaduri
Judge

Ashu