

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(227) No. 212 of 2018**

Shri Vijay Kumar Yadav S/o Mohan Prasad Yadav, Aged About 43 Years Occupation Vakalat(Jashpur), By Caste Mahkul, R/o Basant Vihar, Jashpurnagar, Tahsil And District Jashpur, Chhattisgarh.

---- Petitioner

Versus

1. Mahaveer Ram S/o Late Sahdev Ram, Aged About 56 Years By Caste- Rautiya, Occupation Agriculture, R/o Village Gamhariya, Jashpur, Tahsil And District Jashpur, Chhattisgarh.
2. Shri Naresh Kumar Gupta, S/o Dhruv Sao, Aged About 40 Years Occupation Contractor, R/o Main Road, Jashpur Nagar, Near Bus Stand, Jashpurnagar, Tahsil And District Jashpur, Chhattisgarh.
3. Shri Raju Bharti, S/o Omprakash Bharti, Aged About 30 Years By Caste Goshwami, R/o Village Bazar Dand Road, Kunkuri, Tahsil Kunkuri, District Jashpur, Chhattisgarh.
4. Sub Registrar, Registrar Office, Jashpur, District Jashpur, Chhattisgarh.
5. Tahsildar, Jashpur, Tahsil And District Jashpur, Chhattisgarh.
6. State Of Chhattisgarh, Through Collector, Jashpurnagar, District Jashpur, Chhattisgarh.

-- Respondents

For petitioner- Smt. Indira Tripathi, Advocate.
For State – Smt. Astha Shukla, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

13/03/2018

Heard.

1. Instant petition is against the order dated 21/02/2018 whereby right to adduce evidence of the defendant's witness was closed.
2. Perusal of the order sheet would show that on 29/01/2018 witness of the defendant/petitioner namely Ram Kumar Yadav was present, however he could not be examined because of the adjournment was sought for by the plaintiff. Consequently, date was given for 12/02/2018. On 12/02/2018 adjournment was sought for on behalf of the defendant that mother of the witness is ailing, therefore case was fixed for 16/02/2018. On 16/02/2018 also on the same ground an application was

filed to give a date to the defendant for the reason that mother of the witness Ram Kumar Yadav still was ailing as such could not appear and the case was adjourned to 21/02/2018. On 21/02/2018 adjournment was sought for on the ground that witness himself was suffering, however the court dismissed the same on the ground that no application has been filed to support the contention and right to lead evidence was closed.

3. Taking into period of adjournment and the reasons stated to advance cause of justice, one opportunity is given to the petitioner to adduce evidence. Therefore, on the next date of hearing the petitioner may keep his witness present and get examined subject to payment of cost of Rs.1000/- to the plaintiff.

4. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)
JUDGE