

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 955 of 2017

Smt. Pushpa Pandey W/o Shri Birendra Pandey Aged About 50 Years R/o Village Balrampur, Police Station And Tahsil Balrampur, District Surguja Chhattisgarh

---- Petitioner

Versus

1. Salauddin S/o Mohd. Rasul, Aged About 30 Years.
 2. Ajmerunisha W/o Mohd, Rasul, Aged About 55 Years Occupation Houswife.
- Both are R/o Village Dahejwar, Police Station And Tahsil Balrampur, District Balrampur Chhattisgarh.
3. State Of Chhattisgarh, Through The Collector, Surguja, Ambikapur, District Balrampur Ramanujganj Chhattisgarh.
 4. Executive Engineer, Public Works Department, Ramanujganj, District Surguja Chhattisgarh

---- Respondents

For petitioner – Shri H.B. Agrawal, Sr. Advocate with Smt. Prabha Sharma, Advocate.

For Respondent/State –Shri Bhaskar Payashi, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

2/01/2018

Heard.

1. Learned counsel for the petitioner submits that in the case respondents proceeded ex-parte on 5/12/2015 and thereafter on 23/09/2016 evidence was closed and the case was fixed for argument and since matter is ex-parte no further proceeding was required. However, trial court without any rhyme or reason has extended date from time to time. He submits that instruction has been imparted that no further evidence is to be given but trial court instead of passing order it has wrongly recorded that the plaintiff has further sought time to file document and adduce evidence which is incorrect and the same is been done only to avoid passing of the judgment by the trial court.

2. Perused the order sheets of the court below. Admittedly, it shows that on 23/09/2016 trial court has closed case for evidence and thereafter case is pending from time to time for final hearing and on 18/05/2017 the case was adjourned to 22/06/2017. On 22/06/2017 again court has recorded that plaintiff want to file certain document, therefore case was again fixed for evidence.

3. Considering the submission of the court below, argument of petitioner appears to be logical. In view of the fact that specific averments have been made by the petitioner that they do not want to adduce evidence, it is directed that the trial court will decide the case within further period of 30 days from the date of receipt of the order. Further trial court may file its explanation as to how case was adjourned from time to time after case was fixed for argument on 27/09/2016 and what was the reason for adjournment shelving provisions of CPC.

4. With such observation, petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE