

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No.161 of 2017**

Girdhari Lal Sinha son of Brijlal Sinha, aged about 39 years, Caste-Kalar, Clerk, Block Education Officer, Charama, Tahsil-Charama, District-North Bastar Kanker (CG)

---- Petitioner

Versus

1. Harsh Sinha son of Girdhari Sinha, aged about 22 years, Caste-Kalar, resident of C/o Vishnu Prasad Dhruw, Mahudband Para, Kanker, Tahsil-Kanker, District-North Bastar Kanker (CG)
2. Smt. Sangeeta Sinha (Divorced), aged about 37 years, Caste-Kalar, resident of Shiksha Karmi Grade-3, Primary School, Dadargarh, Tahsil-Keshkal, District-Kondagaon (CG)

---- Respondents

For Petitioner : Mr.D.N.Prajapati, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****14/12/2018**

1. By the impugned order, the plaintiff's opportunity to lead evidence has been closed by the trial Court.
2. Learned counsel for the petitioner would submit that the impugned order is unsustainable and bad in law.
3. I have heard learned counsel for the petitioner and perused the impugned order.
4. On 4.2.2017 the case was fixed awaiting conciliation report, yet the plaintiff was present and he was cross-examined and when further time was sought for keeping the remaining witnesses present, opportunity to lead evidence was closed by the trial Court by the impugned order.

5. Since the case was not fixed for the plaintiff's evidence yet he was cross-examined, further time ought to have given to the plaintiff to adduce evidence.
6. In view of above, the impugned order is set aside. The petitioner/plaintiff is at liberty to adduce his evidence expeditiously.
7. The writ petition is allowed to the extent indicated hereinabove. A copy of this order be sent to the trial Court by fax/e-mail. No cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-