

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 329 of 2018**

- Vijendra Bhatnagar S/o Ramsharan Bhatnagar Aged About 45 Years R/o Kalibadi, Near Hanuman Nagar, Raipur Tahsil And District Raipur Chhattisgarh

---- Petitioner**Versus**

- Kripa Shanker @ Sanjay Pandey, S/o Madan Gopal @ Gopal Pandey Aged About 49 Years R/o Shailendra Nagar , Raipur Tahsil And District Raipur Chhattisgarh

---- Respondent

For Petitioner	:	Shri M.K. Bhaduri, Advocate
For Respondent	:	Shri Kshitij Sharma, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****17/04/2018**

1. Heard.
2. The instant petition is against the order dated 23.03.2018, whereby an application preferred by the petitioner for summoning the witness namely Basant Bagrecha and Avinash Shukla, was dismissed.
3. Learned counsel for the petitioner submits that the plaintiff has been examined in this case and since two witnesses namely Basant Bagrecha and Avinash Shukla, they are not ready to come unless the summon is sent though earlier they agreed to come, therefore, one opportunity may be given so that their presence may be procured through the intervention of the Court.

4. The petition is vehemently opposed by learned counsel for the respondent.
5. Perused the order dated 23.03.2018 and the application dated 23.03.2018, wherein it is stated that the witnesses have refused to come unless they receive the summon of the Court. Taking into the facts of this case in totality and it is stated that the witnesses were enlisted witnesses and they refused to come to the Court of their own, in the interest of justice to advance the cause of justice on merits, one opportunity is granted to the plaintiff to summon the witness through the intervention of the Court. It is further directed that only witnesses namely Basant Bagrecha and Avinash Shukla shall be allowed to be examined on payment of process and diet money summons be issued to the said witnesses. The plaintiff is further directed to serve the witness by Dasti apart from the usual mode of service. The plaintiff is further directed to pay Rs. 1000/- to the defendant by way of a cost.
6. With such observation, the petition stands disposed of.

Sd/-

Goutam Bhaduri

Judge

Ashu