

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 325 of 2018

1. Tiharin Bai @ Noni Bai D/o. Fulsai Gond, Aged About 50 Years R/o. Village And Post Dansara, Tahsil Sarangarh, District Raigarh Chhattisgarh.
2. Ram Bai D/o Shri Fulsai, caste Gond, Aged About 48 Years, R/o. Village Jhilgitar, Tahsil Sarangarh, District Raigarh Chhattisgarh.
3. Khushi Bai W/o Late Ful Sai, Caste Gond, Aged About 45 Years R/o. Village Jhilgitar, Tahsil Sarangarh, District Raigarh Chhattisgarh.

---- Petitioners

Versus

1. Lilawati W/o Shri Suresh Gond, Aged About 46 Years, R/o. Village Jhilgitar, Tahsil Sarangarh, District Raigarh Chhattisgarh.
2. State Of Chhattisgarh, Through The Collector, District Raigarh Chhattisgarh.

---- Respondents

For petitioners –Shri Ragvendra Pradhan, Advocate.
For State – Shri Suryakant Mishra, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

17/04/2018

Heard.

1. Instant petition is against the order dated 4/04/2018 wherein right to lead evidence of the defendants was closed.
2. Learned counsel for the petitioners submits that the petitioners are defendants before this court and on that date defendant Ram Bai went for some treatment in OPD and counsel also went for some treatment at Raipur, therefore they could not remain present for evidence and one opportunity may be given to them.
3. Order sheets of the court below is perused. Order sheet would show that first case was fixed for evidence of the defence on 21/07/2015.

On that date certain applications were filed. Subsequently thereafter on 20 dates case was fixed for evidence. The order sheet would show on 15/11/2016 again case was fixed for 13/12/2016. Thereafter, case was fixed for 23/12/2016. Subsequently, it was fixed on 19/01/2017 and on 19/01/2017 some application was moved by the defendants. Thereafter, on such interlocutory application instead of any evidence adduced, on different dates on five dates case was adjourned and subsequently on 18/04/2017 again case was fixed for defence witness. Thereafter, case was fixed for 15/05/2017, then on 7/07/2017, thereafter on 18/08/2017, then on 4/09/2017 and on 25/09/2017 again for defence witness. On these dates no defence witness was produced and again on 25/09/2017 certain application was moved by the defendants which fell for adjudication and 4 to 5 dates were passed again. Case was fixed for evidence again on 21/11/2017 and on 21/11/2017 witnesses were not present. Further case was adjourned for defence witness and on 3/01/2018, 19/01/2018 & 16/03/2018 witnesses were absent and lastly on 4/04/2018 an application was filed by the defence to adduce evidence on the ground that defendant Ram Bai all of a sudden fell ill and could not come and case for evidence be adjourned.

4. Perusal of the entire order sheet would show that as many as 20-23 dates were given to the defendants to adduce evidence. In all the dates defendants remained absent with their witness. Lastly case was fixed for evidence and an application was again moved for adjournment. Order sheets if are considered as a whole it would show that case was fixed for defence witness and in the intervening period certain interlocutory applications were also filed which also took considerable time for adjudication. Taking into totality, I do not find bonafide submission have been made by the defendants or efforts were made as deliberate

disobedience of the courts order appears to exist to adduce evidence. In the result, parties cannot be allowed to manage affairs of the court to their choice.

5. Accordingly, the petition has no merit and it is dismissed accordingly.

Sd/-

(Goutam Bhaduri)

JUDGE

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