

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 337 of 2018**

- Meetlal Kaushik S/o Gokaran Kaushik Aged About 65 Years R/o Village - Dhandhan, Tahsil Takhatpur , District Bilaspur Civil And Revenue District Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. Savitri Bai W/o Pardeshiram Aged About 45 Years
2. Jitesh Kumar Rajak S/o Pardeshiram Aged About 19 Years
3. Ku. Arti Rajak D/o Pardeshiram Aged About 16 Years
4. Durgesh Kumar Rajak S/o Pardeshiram Aged About 14 Years

All of above respondents R/o Village - Dhandhan, Tahsil - Takhatpur District Bilaspur Chhattisgarh

5. State of C.G. Through District Collector Bilaspur.

---- Respondents

For Petitioner	:	Shri Badruddin Khan, Advocate
For Respondents-State	:	Ms. Astha Shukla, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****19/04/2018**

1. Heard.
2. The instant petition is against the order dated 18.09.2017, whereby the right to lead evidence of the defendant has been closed.
3. Learned counsel for the petitioner submits that the first date for evidence was fixed for 21.02.2017 and on that date and subsequent dates due to ailment of the defendant, the witnesses were not present and eventually on

18.09.2017 right to lead evidence was closed.

4. Perusal of the order-sheets would show that the first date was fixed on 19.01.2017 and not on 21.02.2017, therefore, the wrong submission has been made. Thereafter, order-sheets would show that the case was fixed for 19.01.2017 for defendant evidence and on that date also the defendant could not produce his witness, the case was fixed on 29.03.2017. On 29.03.2017 again the adjournment was sought and it was fixed for 07.4.2017 as a last chance to lead evidence. On 07.04.2017 again despite the last chance afforded, again an application was filed and the case was adjourned and fixed for 29.04.2017. On 29.04.2017 also the defendant did not appear and the Court again fixed the case on 10.05.2017 for defendant evidence. Likewise the case was again fixed for 21.02.2017, thereafter, on 04.03.2017, thereafter on 21.06.2017 and no evidence was produced on that date. Subsequently, again the case was fixed for 27.06.2017 for defendant evidence, but no evidence was produced. Thereafter, on 18.09.2017 the case was fixed for evidence and on 18.09.2017, the defendant again failed to produce the witness, as such the evidence was closed.
5. Perusal of the order-sheets shows that sufficient time has been afforded for more than one year and on each and every date the defendant sought for time to produce witness but failed. In view of this I do not find any reason to interfere with the order whereby right to lead evidence is closed.
6. Accordingly, the petition is dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu