

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 443 of 2018**

- Anand Mohan Gupta (M. S.) S/o Shri T.C. Gupta, Aged About 54 Years
Occupation Assistant Surgeon, Kirodimal Government Hospital, Raigarh
Chhattisgarh. (Defendant No. 1)

---- Petitioner**Versus**

1. Rajat Kumar Jain S/o Rajnikant Jain, Aged About 19 Years R/o Kirodimal
Colony, Raigarh, District Raigarh Chhattisgarh
2. State of Chhattisgarh, Through Collector, Raigarh, District Raigarh
Chhattisgarh. (Plaintiff),

---- Respondents

For Petitioner	:	Shri Y.C. Sharma, Advocate
For Respondent 2/State	:	Shri Sangharsh Pandey, Dy. GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****11/05/2018**

1. Heard.
2. The instant petition is against the order dated 01.05.2018, whereby an
application preferred by the defendant under Order 16 Rule 1 CPC has
been dismissed.
3. Perused the list of witnesses where the names of the witnesses, who are
sought to be examined is shown in the list of names, shows that three
witnesses are from Raigarh wherein the suit is pending namely Smt. A.
Bhagat, Dr. Sharad Awasthi, Dr. U.S. Gupta and two witnesses are from
Raipur namely Dr. Asha Pandey, Dr. V.H. Paikra. Out of the list it is been
stated that three witnesses of Raigarh would be produced by them and the
witnesses are namely Smt. A. Bhagat, Dr. Sharad Awasthi and Dr. U.S.

Gupta whereas the summons has been sought for Dr. Asha Pandey, Dr. V. H. Paikra and Dr. H.S. Gupta. In terms of submission made, the petitioner/defendant is allowed to bring his witness namely Smt. A. Bhagat, Dr. Sharad Awasthi and Dr. U.S. Gupta, who are the local residents of Raigarh, wherein the suit is pending. In respect of Dr. Asha Pandey, who is resident of Raipur and Dr. V.H. Paikra, who is posted as B.M.O., at Loig District Raigarh and H.S. Gupta, retired doctor, CMHO, KG Hospital, Raigarh, taking into the nature of issues which is pending in between the parties, they are allowed to be summoned Dr. Asha Pandey, Dr. H.S. Gupta and Dr. V.H. Paikra are allowed to be summoned through the intervention of the Court. Therefore, on payment of process, the summons may be handed over to the defendant to procure the attendance of Dr. Asha Pandey, Dr. V.H. Paikra and Dr. H.S. Gupta before the Court in terms of Order 16 Rule 7 A CPC. It is further directed that the trial Court shall make all possible endeavour to continue with the hearing and if need be, the proceedings may be continued from day to day basis. Therefore, in the conclusion it is ordered that the defendant shall be allowed to lead evidence of Smt. A. Bhagat, Dr. Sharad Awasthi and Dr. U.S. Gupta, who are residents of Raigarh and it would be the responsibility of the defendant to bring them before the Court, whereas in respect of Dr. Asha Pandey, Dr. H.S. Gupta and Dr. V.H. Paikra, they may be allowed to call witnesses by intervention of Court by issuance of summons and payment of diet money as per rules.

4. With such observation the order dated 01.05.2018 stands modified to the extent indicated above.

Sd/-
Goutam Bhaduri
Judge

Ashu