

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 539 of 2018**

- Tikam Say S/o Dev Say Aged About 42 Years Occupation Labour, R/o Village Telaikachhar Post And Police Station Jaynagar, Tahsil And District Surajpur Chhattisgarh

---- Petitioner**Versus**

1. Tejnarayan S/o Dev Say Upadhyay Aged About 40 Years Occupation Labour, R/o Village Telaikachhar Post And Police Station Jaynagar, Tahsil And District Surajpur Chhattisgarh
2. The State of Chhattisgarh, Through The Collector , Surajpur Chhattisgarh

---- Respondents

For Petitioner	:	Shri Ashok Kumar Shukla, Advocate
For Respondent/State	:	Shri S.K. Mishra, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****28/06/2018**

1. Heard.
2. The present petition is against the closure of the evidence of the defendant for cross-examination of the witnesses.
3. Learned counsel for the petitioner submits that already the affidavit of the concerned witnesses are placed on record, however, they could not be cross-examined for some reason or the other and the case was adjourned from time to time, initially for the fact that the Court was vacant and subsequently the time was sought for deletion of the name of the late defendant. It is further contended that on various occasions the plaintiff has sought time, therefore, one opportunity may be granted to cross-examine

the witnesses as otherwise the evidentiary value of the witnesses shall be adversely affected.

4. Perusal of the record shows that the entire order-sheets have not been filed. Firstly it shows that the case was fixed for defendant's evidence on 26.09.2015 thereafter in regular intervals the case was adjourned and the case was fixed for last defendant evidence on 08.11.2016. In the intervening time, six dates were taken by the defendant, therefore, under the circumstances, I do not find that any reasonable cause exist to allow this petition. Already it has been stated that the case is fixed for final hearing today, therefore, in the eventuality if the decree is passed against the petitioner, the petitioner is given liberty to raise all the grounds.
5. With such observation the petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu