

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**W.P. (227) No. 4 of 2018**

Hitesh Bhai Patel, S/o Late G.B. Patel Aged about 42, R/o Malviya Nagar, Durg, Dist: Durg (C.G.)

**---- Petitioner**

**Versus**

Nandkishore Khandelwal alias Nandu, R/o Qtr. No.1 Sadak No.1, Pragti Nagar Resali, Bhilai, Dist. Durg (C.G.)

**---- Respondent**

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For petitioner - Shri Mateen Siddiqui, Advocate.

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order**

**04/01/2018**

Heard.

1. Instant petition is against the order dated 8/09/2017 whereby right to lead evidence of the plaintiff was closed.
2. Learned counsel for the petitioner would submit that one opportunity may be granted as the petitioner/plaintiff was stationed at USA and he had undergone bypass surgery, therefore he could not procure his evidence before the court.
3. Perused the order dated 8/09/2017 wherein it is stated that case was fixed for evidence on 15<sup>th</sup> May, 2017, 3<sup>rd</sup> July, 2017, 18<sup>th</sup> August, 2017 and 1/09/2017. Learned counsel for the petitioner during the argument submitted that one opportunity may be granted and on that date he will procure appearance of the witness of the plaintiff as also all the witnesses to adduce his evidence and the witnesses would be brought at his own peril, therefore same may be allowed and one opportunity may be granted so that case may be adjudicated on the merit.
4. Considering the prayer made, in order to advance cause of justice on merit and taking into fact medical document one opportunity is granted

to the petitioner on payment of cost of Rs.5000/- to be payable to the respondent, he shall appear before the court on 11<sup>th</sup> January, 2018 and on that date petitioner/plaintiff shall appear before the court and shall bring all his witness and shall adduce evidence and if need be court may conduct day to day trial of the evidence of the plaintiff.

5. With such observation, petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE