

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 594 of 2018

Sidharth Construction Proprietor- Narendra Kumar Parakh, S/o Shri Paanchilal Parakh, Aged About 58 Years, R/o Gudhiyari, Tahsil Raipur, District : Raipur, Chhattisgarh

---- Petitioner

Versus

1. Prashant Khare S/o Shri N.R. Khare Aged About 50 Years R/o 14, Aranya Vihar, Choona Bhatti, Near Arera Colony, Bhopal, Madhya Pradesh.
2. State Of Chhattisgarh Through- Collector-Raipur, District- Raipur, Chhattisgarh.
3. Rameshlal Dodai S/o Shri Laxmandas Dodai Aged About 43 Years R/o C-39, Kavitanagar, Telibandha, Raipur, District- Raipur, Chhattisgarh.

---- Respondents

For petitioner – Smt. Meena Shastri, Advocate.
For State-Shri Suryakant Mishra, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

16/07/2018

Heard.

1. Instant petition is against the order dated 21/06/2018 whereby right of the plaintiff to examine witnesses have been closed.
2. Learned counsel for the petitioner submits that the suit has been filed by the petitioner/plaintiff for specific performance of contract wherein plaintiff has been examined, cross-examined, however two witnesses to the agreement still remained to be cross-examined and their evidence is already on record. It is further submitted that one last opportunity may be given to the plaintiff to produce their witnesses before the court so that they may be cross-examined as otherwise in absence thereof petitioner/plaintiff may suffer irreparable injury which cannot be subsequently repaired.
3. Perused the documents. Considering the facts of this case and it is

been stated that examination-in-chief of the plaintiff's two witnesses who are Ashok Chajed and Vanita Baros whose statement under Order 18 Rule 4 of CPC are on record. Taking into facts and totality of the case, since court below exercises original jurisdiction vested in it, in the interest of justice to advance cause of justice one opportunity is granted to the petitioner/plaintiff to produce their witnesses on the next date of hearing which is stated to be on 30/07/2018 subject to cost of Rs.3000/- to the respondent. It is directed that the plaintiff shall be obliged to produce the witnesses on the next date and the court below in such eventuality shall cross-examine the same. It is further made clear that payment of cost shall be subject precedent before examination.

4. With such observation, the petition stands disposed of.

Certified copy today.

Sd/-

(Goutam Bhaduri)

JUDGE