

**HIGH COURT OF CHHATTISGARH, BILASPUR****WRIT PETITION (227) No. 761 of 2018**

1. Smt. Surendar Kaur, W/o Balbeer Singh, Aged about 67 years, R/o House No. H.I.G./57, Maharana Pratap Nagar, Korba, Police Station, Tahsil and District – Korba, Chhattisgarh., through Attorney holder, Balbeer Singh, S/o Late Amar Singh, aged about 72 years, R/o House No. H.I.G/57, Maharana Pratap Nagar, Korba, Police Station, Tahsil and District – Korba, Chhattisgarh.  
**---- Petitioner / Plaintiff**

**Versus**

1. Uma Shankar Singh, S/o Shiv Sahay Singh, aged about 50 years, R/o Housing Board Colony, Balko Nagar, Tahsil and District Korba Chhattisgarh
2. State of Chhattisgarh, through District Collector, Korba, District Korba, Chhattisgarh.  
**---Respondents/ Defendants**

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| For Petitioner              | : | Mr. Aashutosh Shukla, Advocate.     |
| For Respondent No. 2/ State | : | Mr. Arun Sao, Dy. Advocate General. |

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order On Board****05/09/18**

1. The petitioner's application filed under Section 65 of the Indian Evidence Act (for brevity, 'Act') has been rejected by order dated 04.07.2018 on the ground that it is not supported by affidavit.
2. Learned counsel for the petitioner submits that he may be allowed to make fresh application under Section 65 of the Act supported by the affidavit.
3. The prayer is fair and reasonable.
4. Be that as it may, the petitioner is at liberty to make an application under Section 65 of the Act which will be duly supported by the affidavit and in that event, the application will be considered and decided by the concerned authority afresh without being prejudice of the earlier order dated 04.07.2018.

5. With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).

SD/-

**(Sanjay K. Agrawal)**  
Judge