

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(227) No. 786 of 2018**

Dr. Jhurendra Kumar Pathak @ Jhurari S/o Late Rambharos Pathak, aged about 68 years, Caste – Brahmin, R/o Village – Pendri, Tahsil Takhatpur, District Bilaspur (C.G.) at present R/o Gayatri Mandir Chowk, Near Pani Tanki, Kududand, District Bilaspur (C.G.)

---- Petitioner**Versus**

1. Bhupendra Pathak @ Bhupal, aged about 63 years, S/o Late Kedarnath Pathak, Caste – Brahmin,
2. Kripal Pathak, aged about 60 years, S/o Late Kedar Nath Pathak, Caste – Brahmin,
3. Santosh Pathak, aged about 55 years, S/o Late Kedar Nath Pathak, Caste – Brahmin,
4. Ashok Pathak, aged about 60 years, S/o Late Kedar Nath Pathak, Caste – Brahmin, R/o Village Pendri, Tahsil Takhatpur, District Bilaspur (C.G.)
5. State of Chhattisgarh through Collector, Bilaspur, District Bilaspur (C.G.)

---- Respondents

For Petitioner : Mr. Sanjay Patel, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****12/09/18**

1. The petitioner / plaintiff's application under Order 7 Rule 14 of C.P.C. for producing the death certificate of witnesses of Will was rejected by the trial Court by order dated 19.06.2018 on the ground of delay against which this writ petition has been filed.
2. Learned counsel for the petitioner submits that the impugned order is unsustainable and bad in law and is liable to be set aside.
3. I have heard learned counsel for the petitioner.
4. The application filed by the petitioner for taking the document on record enclosing the death certificate of Shiv Mangal Prasad and Rambhau has been rejected by the trial Court on wholly untenable grounds which in

the considered opinion of this Court is just and proper for the expeditious disposal of the suit. Therefore, the application filed by the petitioner under Order 7 Rule 14 of the C.P.C. is allowed and the impugned order is hereby set aside. However, the respondents / defendants would be at liberty to produce rebuttal documents, if any, and also to move an application for modification of this order, if they are aggrieved.

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

SD/-

(Sanjay K. Agrawal)
Judge