

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (227) No. 828 of 2018**

1. Bhikamchand Jain, aged about 66 years, S/o Shri Khetmal Jain, R/o Chowki Road, Ward No. 9, Dongergaon, Tahsil Dongergaon, District Rajnandgaon (C.G.)
---- **Petitioner / Plaintiff**

Versus

1. Narendra Kumar Dubey, S/o Lt. Shri B.P. Dubey, R/o Infront of Hanuman Mandir, Kilapara, Dongergaon, Tahsil Dongergaon, District Rajnandgaon (C.G.)
2. State of Chhattisgarh, through the Collector, Rajnandgaon (C.G.)
---- **Respondents**

For Petitioner	:	Shri Rakesh Thakur, Advocate.
For Respondent No. 2 / State	:	Ms. Astha Shukla, PL.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****04/10/2018**

1. The petitioner / plaintiff's application for calling Revenue Inspector, Dongergarh as witness to prove the report submitted by him before the Tahsildar has been rejected by the trial Court by impugned order dated 16.07.2018 against which this writ petition has been preferred.
2. Learned counsel appearing for the petitioner submits that examination of Revenue Inspector, Dongergarh is absolutely necessary for just and proper disposal of the suit though the application has been filed belatedly but it is based on bonafide grounds.
3. I have heard learned counsel for the petitioner and perused the impugned order with utmost circumspection.

4. Taking into consideration the reasons assigned and looking to the fact that examination of Revenue Inspector, Dongergarh is necessary for just and proper disposal of the suit, the application filed by the petitioner / plaintiff for examination of the Revenue Inspector is allowed subject to payment of cost of Rs.5,000/- to the defendant / respondent No. 1. The Collector, Rajnandgaon is directed to keep the Revenue Inspector, Dongergarh present before this Court on 09.10.2018 along with the records and he will be examined and cross-examined and thereafter, the Court will proceed in accordance with law. The cost will be paid to the defendant No. 1 on that day only and it is made clear that no further adjournment shall be granted. However, the defendants would be at liberty to move an application for modification of the order, if they are aggrieved.

5. With the aforesaid observation, the writ petition stands disposed of. A copy of this order be sent to the trial Court and Collector, Rajnandgaon for compliance.

Certified copy today.

SD/-

(Sanjay K. Agrawal)
Judge