

HIGH COURT OF CHHATTISGARH, BILASPUR
WP227 No.889 of 2018

Pukesh Chandrakar S/o Late Shri Dileshwar Chandrakar, Aged about 35 years, Village Anda, P.S. Anda, Tahsil & Distt. Durg (CG)

---- Petitioner

Versus

1. State of Chhattisgarh Through Collector Durg, District Durg (CG)
2. Rahul Patni S/o Shri Inderchand Patni Aged about 39 years, R/o Jain Gali, Sadar Bazar Durg, Tahsil & District Durg (CG)
3. Axix Bank Pvt. Ltd. Through Branch Managar Jeevan Plaza Commercial Complex, G.E. Road, Ganjpara Durg, Tahsil & Distt. Durg (CG)

---- Respondents

For Petitioner	:	Mr.Mayank Chandrakar, Advocate
For Respondent No.1	:	Mr.Arun Sao, Dy.A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

11/10/2018

1. Learned counsel for the petitioner/defendant No.1 would submit that by the impugned order application filed by the petitioner/defendant No.1 under Section 65 of the Indian Evidence Act, 1872 has been rejected by the trial Court without assigning any reason, whereas it application ought to have been granted.
2. I have heard learned counsel for the petitioner.
3. A careful perusal of the impugned order would show that no reason has been assigned by the trial Court in rejecting the application, which ought to have been decided referring the provisions of Sections 65 and 66 of the Evidence Act as to why application cannot be granted.
4. In view of above, the impugned order is set aside. The trial Court is directed to decide the application under Section 65 of the Evidence Act afresh after hearing the parties within 10 days from the date of receipt of certified copy of this order. However, respondent

No.2/plaintiff is at liberty to file an application for modification of this order, if any.

- 5.** The writ petition is allowed to the extent indicated hereinabove. A copy of this order be sent to the trial Court through the concerned District Judge. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-