

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT PETITION (227) No. 944 of 2018

Shabbir Husain S/o Abdul Rehman Aged About 62 Years R/o. Khaparganj Madarsa Irfaniya Ke Baju, Bilaspur, Tehsil And District Bilaspur, District : Bilaspur, Chhattisgarh.

---- Petitioner

Versus

Aslam Husain S/o Altaf Husain Aged About 65 Years R/o. Najirabaad Bus Stand Ke Pass Satna Nagar Tehsil Raghuraj Nagar, District- Satna, Madhya Pradesh. Through C/o Aam Abdul Hanif S/o Abdul Majid Khan, Aged About 60 Years, Niwasi Khaparganj Madarsa Irfaniya Ke Pass, Tehsil And District Bilaspur Chhattisgarh.

---- Respondents

_ Petitioner in person : Shabbir Husain.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

02/11/2018

1. Petitioner in person -Shabbir Husain submits that respondent -Aslam Hussain has examined Abdul Hanif, who is power of attorney holder of Aslam Hussain, who is not competent witness to depose on his behalf.
2. I have heard the petitioner in person.
3. It is for the party to the suit or proceedings to examine a witness to support his case. That cannot be controlled by the Court and a witness proposed or examined cannot be held to be incompetent witness by the Court. In view of that, I do not find any merit in the writ petition, however, costs imposed by the trial Court to the extent of Rs. 2,000/- is deleted. Accordingly, the writ petition stands disposed off. A copy of this order be sent to the concerned trial Court directly and through District Judge concerned.

Sd /-
(Sanjay K. Agrawal)
Judge