

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 1040 of 2018**

1. Minor Ku. Alia Khan, aged about 08 years, daughter of Shri Waseen Khan
2. Minor Ku. Ahila Khan, aged about 06 years, daughter of Shri Waseem Khan

Through : Natural guardian mother Shabana Parveen, R/o. Qtr. No. 27/972, Near Dhanwantari Hospital, Gorkha Colony, New Shanti Nagar, Shankar Nagar, Raipur (C.G.)

----Petitioners/Plaintiffs

Versus

Waseem Khan, aged about 40 years, son of Shri Taheer Khan, R/o Qtr No. 27/972, Near Dhanvantari Hospital, Gorkha Colony, New Shanti Nagar, Shankar Nagar, Raipur (C.G.)

---- Respondent/defendant

For Petitioner	:	Mr. Pushpendra Kumar Patel, Advocate
For Respondent	:	None

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

07/12/2018

(1) By the impugned order dated 04.10.2018, plaintiffs' opportunity to lead evidence has been closed.

(2) Learned counsel appearing for the petitioners/plaintiffs would submit that the trial Court has closed the plaintiffs' opportunity to lead evidence merely on the ground that earlier seven adjournments have already been granted to the plaintiffs to adduce evidence *whereas* earlier adjournments were based on valid and sufficient grounds and, therefore, that cannot be made basis for closing opportunity of plaintiff to lead evidence as

on 04.10.2018, there was sufficient cause for adjournment.

(3) I have heard learned counsel appearing for the petitioners.

(4) Taking into consideration the submission made by counsel for the petitioners/plaintiffs and the fact that suit is pending since 2015 and the plaintiffs are the minors, the plaintiffs are allowed to examine themselves through natural guardian and her three witnesses on the next date of hearing i.e. on 22.01.2019. The plaintiffs shall file her affidavit under Order 18 Rule 4 of the CPC on or before 11.1.2019.

(5) It is made clear that if the affidavit under Order 18 Rule 4 of the CPC are not filed and if she will not keep present herself and her witnesses on that day, plaintiffs' opportunity to lead evidence shall stand closed automatically without further reference to the Bench.

(6) Accordingly, the writ petition is disposed off with above-stated observation reserving liberty in favour of respondent to file application for modification, if any.

(7) Copy of the order be sent to the trial Court through concerned District Judge for compliance and needful.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

