

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 55 of 2019**

Smt. Farha Khan, D/o Late Anish Hassan Khan, aged about 42 years, R/o Jatiya Talab, Om Nagar, Jarhabhata, Bilaspur, Present Address – Flat No. 203, 2nd Floor, C.K. Heights Chadda Badi, Nehru Nagar, Bilaspur, Tahsil & District Bilaspur (C.G.)

----Petitioner**Versus**

Ifraan Ur Rahim Khan, S/o Anwar Ur Rahim, aged about 61 years, R/o E-1, Nutan Colony, Sarkanda, Bilaspur, Distt. Bilaspur (C.G.)

---- Respondent

For Petitioner	:	Mr. Awadh Tripathi, Advocate.
For Respondent	:	Mrs. Hamida Siddiqui, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****30/01/2019**

1. This writ petition is directed against the order dated 18.01.2019 passed by Family Court, Bilaspur whereby petitioner /defendant's opportunity to lead further evidence has been closed.
2. Learned counsel appearing for the petitioner / defendant would submit that defendant has already examined herself and two other witnesses and the Family Court has abruptly closed the defendant's opportunity to lead further evidence, which is bad and unsustainable in law and, therefore, the impugned order is liable to be set aside.
3. On the other hand, learned counsel appearing for the respondent would submit that sufficient opportunity has already been granted to the defendant to lead evidence and, therefore, the instant writ petition is liable to be dismissed.

4. I have heard learned counsel appearing for the parties and perused the impugned order with utmost circumspection.
5. Defendant has already examined herself and her two other witnesses and according to her, only Rana Bukhari and other two witnesses are yet to be examined.
6. Considering the nature of dispute between the parties relating to custody of the children and further considering the fact that the matter has already been transferred to one Family Court to another Family Court by order of this Court, it would be expedient to grant time to the petitioner/defendant to examine Rana Bukhari and two other witnesses.
7. In view of above, the impugned order dated 18.01.2019 is set aside. The petitioner is at liberty to examine Rana Bukhari and two other witnesses before Family Court. The Family Court is directed to permit the petitioner to examine the above stated three witnesses.
8. The writ petition is allowed to the extent indicated hereinabove.

Certified copy, today.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

