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**HIGH COURT OF CHHATTISGARH, BILASPUR****WP227 No.140 of 2019**

Dr. (Smt.) Surjit Behl W/o Gurdeep Singh Behl Aged About 75 Years Through Power Of Attorney Holder, Shri Gurdeep Singh Behl S/o Late Dr. Indersingh Aged About 73 Years, Presently Residing At 107 Victoria Urbane, 12 Park Road, Indore, Madhya Pradesh (though in the Impugned Order Old Residential Address R/o 66 Silver S.T.U.D.-07, Racesourse Road, P. S. Civil Line, Indore Madhya Pradesh. Is Mentioned)

**---- Petitioner****Versus**

1. Smt. Jaspal Kaur Bhatia (Through Legal Heir)

1A). Shri Sardar Gulbir Singh Bhatiya S/o Late Shri Sardar Gulab Singh Bhatiya Aged About 70 Years resident of Infront Of Rajbhavan, Civil Lines, Raipur Chhattisgarh

1B). Smt. Arvinder Kaur W/o Shri Mahendra Pal Singh Bhatiya Aged About 47 Years R/o Near Shyam Plaza Pandari Raipur, Chhattisgarh

1C). Smt. Arjinder Kaur W/o Shri Avnit Singh Oberoy Aged About 48 Years, resident of Near Batal House, Shankar Nagar, Raipur, Chhattisgarh

1D). Smt. Sarbjit Kaur W/o Shri Ravi Singh Bhatiya Aged About 45 Years, resident of Beguniya Tower, Bistapur, Jamshedpur Jharkhand, District : Jamshedpur (Jharkhand)

1E). Smt. Harprit Kaur W/o Shri Gurubakshish Singh Bhatiya Aged About 43 Years, resident of 6A, Sandesh Apartment, Union Park, Khar West Mumbai (Maharashtra)

2. Shri Satpal Singh Bhatiya S/o Shri Gulbir Singh Bhatiya Aged About 44 Years, resident of Infront Of Raj Bhavan, Civil Lines, Raipur (Chhattisgarh)

3. State Of Chhattisgarh Through The Collector Raipur (Chhattisgarh)

**---- Respondents**


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| For Petitioner/Plaintiff : | Mr.Ashish Surana, Advocate |
| For Respondent No.3 :      | Mrs.Meha Kumar, P.L.       |

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order on Board****20/2/2019**

1. By the impugned order, the plaintiff's opportunity to lead evidence has been closed by the trial Court, against which, this writ petition has been filed.

2. Learned counsel for the petitioner would submit that the impugned order is unsustainable and bad in law, which is liable to be set aside.
3. I have heard learned counsel for the petitioner and perused the impugned order.
4. It appears from the record that plaintiff-Dr. (Smt.) Surjit Behl was present before the trial Court on 3.1.2019 & 10.1.2019 and she was cross-examined on that day by counsel of the defendants, but when the case was further fixed on 6.2.2019, she could not appear before the trial Court on account of her illness and the plaintiff's right to lead evidence was closed and case is fixed for evidence of defendant No.3 on 23.2.2019.
5. Since the petitioner/plaintiff has twice appeared before the trial Court from Indore (M.P.), it is improper on the part of the trial Court to close her opportunity to lead evidence suddenly. Accordingly, the impugned order is set aside and the petitioner/plaintiff is directed to remain present before the trial Court on 23.2.2019 and on that day, she will be further cross-examined. The plaintiff will also keep her other witnesses (if any) present on that day.
6. The writ petition is allowed to the extent indicated hereinabove, subject to payment of cost of ₹ 1500/- to defendants No.1A to 1E. However, the defendants are at liberty to move application for modification of this order, if any. A copy of this order be sent to the concerned trial Court by E-mail/Fax.

C.C.as per rules

Sd/-

(Sanjay K.Agrawal)  
Judge