

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 162 of 2019

Amiyadas S/o Shri Premanand Das, Aged About 29 Years, R/o Village Antarala, Post Toshgaon, P. S. And Tehsil Saraypali District Mahasamund, Chhattisgarh.

---Petitioner

Versus

Jogeeshwaridas W/o Amiyadas, Aged About 24 Years, R/o (Present) Village Sagarpali, P. S. Saraypali Tehsil Basna, District Mahasamund Chhattisgarh.

---- Respondent

For Petitioner : Mr. Shivang Dubey, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

28/02/2019

1. By the impugned order dated 07/01/2019, the application filed by the petitioner under section 138 of the Evidence Act for re-examination of the witness i.e. Navin Sathpathi has been rejected by the learned family Court, against which this writ petition has been preferred by the petitioner.
2. Learned counsel for the petitioner submits that re-examination of the said witness is absolutely necessary for just and proper disposal of the suit and that the learned family Court is unjustified in rejecting the application of the petitioner.
3. I have heard learned counsel for the petitioner and perused the records with utmost circumspection.
4. The learned family Court has clearly recorded the finding that the witness has been examined, cross-examined and discharged on 14/11/2018 and his re-examination is not necessary. The family Court has assigned

sufficient and valid reasons for rejecting the application filed by the petitioner. I do not find any illegality or perversity in the impugned order warranting interference under Article 227 of the Constitution of India.

5. The writ petition deserves to be and is accordingly dismissed.
6. A copy of this order be sent to the concerned family Court by email/fax. No cost(s).

**Sd/-
(Sanjay K. Agrawal)
Judge**

Hameet