

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No.158 of 2019**

Kunti Bai wife of Kartikram son of Jhaduram Nai, aged about 65 years, resident of village-Jodhapur Ward Dhamtari, Tahsil & District-Dhamtari (CG)

-----Petitioner

Versus

1. Bindabai widow of late Jhaduram, Caste-Nai, aged about 85 years, resident of village-Jodhapur Ward Dhamtari, Tahsil & District Dhamtari (CG) at present address-Post Office Ward, Amatalab Road, behind Shyam General Stores, Dhamtari, Tahsil & District-Dhamtari (CG)
2. State of Chhattisgarh, through the Collector, District-Dhamtari (CG)
3. Ahmad Raza son of Mohammed Doud, resident of Amapara Ward Dhamari, Tahsil & District Dhamtari (CG)

---- Respondents

For Petitioner	:	Mr.D.N.Prajapati, Advocate
For Respondent No.2	:	Ms K. Tripti Rao, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

26/02/2019

1. By the impugned order, the plaintiff's opportunity to cross-examine defendant No.3-Ahmad Raza has been closed by the trial Court, against which, this writ petition has been filed.
2. Mr.D.N.Prajapati, learned counsel for the petitioner/plaintiff, 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 on the question of admission of writ petition.

4. It appears that the plaintiff's counsel was present on 13.2.2019 at 4.10 p.m., but later on at 4.15 p.m. when defendant No.3 was examined, the plaintiff's counsel could not remain present for cross-examination of said defendant No.3 and therefore, the plaintiff could not cross-examine defendant No.3.
5. Considering the fact that the plaintiff's counsel was present at 4.10 p.m., at that time, counsel of defendant No.3 was not present, the petitioner is permitted to cross-examine defendant No.3-Ahmad Raza on 27.2.2019 subject to payment of cost of ₹ 2000/- to him. Defendant No.3 will be cross-examined on 27.2.2019, if present and if not present, the trial Court will fix a date not later than 10 days from 27.2.2017.
6. With the aforesaid observation, the writ petition finally stands disposed of. A copy of this order be sent to the concerned trial Court today itself by E-mail/fax. No cost(s).

Certified copy today itself.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-