

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (227) No. 186 of 2019**

Durgesh Sahu, S/o Shatruhan Sahu, aged about 45 years, R/o village – Kodka, Police Station & Tahsil Chhuikhadan, District Rajnandgaon (C.G.)

**----Petitioner/plaintiff**

**Versus**

Manharan, S/o Makhan Sahu, aged about 40 years, R/o village Kodka, Police Station & Tahsil Chhuikhadan, District Rajnandgaon (C.G.)

**---- Respondent/defendant.**

|                |                                            |
|----------------|--------------------------------------------|
| For Petitioner | : Shri Abhishek Sharma, Advocate.          |
| For Respondent | : Shri Vikash A. Shrivastava, Panel Lawyer |

**Hon'ble Shri Justice Sanjay K. Agrawal**

**Order On Board**

**08/03/2019**

(1) By the impugned order dated 13.02.2019, plaintiffs' opportunity to lead further evidence has been closed.

(2) Learned counsel appearing for the petitioner/plaintiff would submit that the trial Court Court has closed the plaintiffs' opportunity to lead further evidence merely on the ground that earlier eighteen adjournments have already been granted to the plaintiff 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 further evidence as on 13.02.2019, there was sufficient cause for adjournment.

(3) I have heard learned counsel appearing for the petitioner and considered his submissions and went through the record with utmost circumspection.

(4) Taking into consideration the facts that the earlier adjournments, granted to the petitioner/plaintiff, were based on sufficient and valid grounds; and the affidavit under Order 18 Rule 4 of the Code of Civil Procedure of the plaintiff's witnesses namely Pratap Verma and Manoj Tiwari have already been filed; the plaintiff is allowed to examine his witnesses namely Pratap Verma & Manoj Tiwari on the next date of hearing subject to payment of cost of Rs. 2,000/- to the defendant. It is made clear that on the next date of hearing plaintiff will keep his witnesses present to lead evidence before the trial Court.

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

(6) Copy of the order be sent to the trial Court for compliance and needful through E-mail / Fax by today itself.

Certified copy, today.

Sd/-

(Sanjay K. Agrawal)  
Judge

D/-

