

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No.151 of 2017****Order reserved on :14.12.2018****Order delivered on: 02.01.2019**

Khilawan Ram, son of Baraturam Gond, aged about 35 years, resident of Village Puri, P.H. No.6/11, Tehsil and District Dhamtari, Chhattisgarh

---- Petitioner**Versus**

1. Bisoha Ram, son of Samaru Ram Gond, resident of Village Mirritola, Tehsil Gurur, District Balod, Chhattisgarh
2. The State of Chhattisgarh, Through Collector, Dhamtari, District Dhamtari, Chhattisgarh

---- Respondents

For Petitioner	:	Mr.Amit Kumar Sahu, Advocate
For Respondent No.1	:	Mr.Avinash Chand Sahu, Advocate
For Respondent No.2	:	Mr.Rahul Tamaskar, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**C.A.V. Order**

1. Heard learned counsel for the parties and considered their rival submissions made herein-above and went through the record with utmost circumscription.
2. Learned counsel for the petitioner would submit that the trial Court is absolutely unjustified in rejecting the application filed under Section 65 of the Indian Evidence Act and as such, liable to be set aside.
3. On the other hand, learned counsel for respondent No.1 would support the impugned order.
4. The trial Court has primarily rejected the application under Section

65 of the Evidence Act on the ground that the plaintiff has not taken steps to secure the original copy of Will and even not noticed the defendants for production of original copy of Will.

5. In view of finding of the trial Court, the plaintiff is granted liberty to take steps for production of original copy of Will by all legally permissible mode and thereafter he is at liberty to proceed in accordance with law, if original copy of Will is not produced.
6. With the above-stated observation, the writ petition is finally disposed off. No cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-