

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (227) No.293 of 2019

Anwar Hussain S/o Julfikar Hussain, aged about 52 years, R/o Mova, Bhimraon Ambedkar Ward, Ward No.27, Raipur, Tahsil & District Raipur (Chhattisgarh)

--- Petitioner

Versus

1. Smt.Abha Shrivastava W/o G.C.Shrivastava, aged about 33 years, R/o Shifu Beauty Parlor, J-Street, Rajiv Nagar Raipur, Tahsil & District (Chhattisgarh)
2. State of Chhattisgarh, Through the Collector, Raipur, Tahsil & District Raipur (Chhattisgarh)

--- Respondents

For Petitioner	:	Mr.Sourabh Sharma, Advocate
For Respondent No.2	:	Mr.Akash Pandey, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

25/04/2019

1. By the impugned order, the plaintiff's opportunity to adduce evidence has been closed by the trial Court.
2. Mr.Sourabh Sharma, learned counsel for the petitioner/plaintiff, would submit that on account of unavoidable reason the plaintiff could not present along with witnesses, therefore, evidence could not be recorded.
3. I have heard learned counsel for the petitioner and perused the impugned order.
4. Considering the reason assigned by the plaintiff, particularly considering that suit is for declaration based on title, it would be expedient to grant one opportunity to the plaintiff to examine himself and two witnesses i.e. patwari and Commissioner, subject to payment of cost of Rs.5000/- to respondent No.1 on the next date of hearing. The plaintiff will be examined on the date already fixed by

the trial Court i.e. 1st May, 2019 and other witnesses will be examined on the summons issued by the trial Court expeditiously. If the plaintiff will not co-operate in the trial, the trial Court is at liberty to proceed further.

5. With the aforesaid observation, the writ petition finally stands disposed of. However, respondent No.1 is at liberty to file an application for modification of this order, if any. A copy of this order be sent to the trial Court by fax/E-mail by tomorrow.

Certified copy by tomorrow.

Sd/-

(Sanjay K. Agrawal)
Judge

B/-