

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (Art. 227) No.309 of 2019

Mohd Riyazul Haq @ Arif Siddiqui, S/o Late Mohd. Habibul Haq Siddiqui,
Aged about 77 years, R/o D-8, Street No.06, Sriram Nagar, Phase-I, Raipur,
Distt. Raipur (C.G.) & Risaipara, Dhamtari, Tehsil & Distt. Dhamtari (C.G.)
(Plaintiff)
---- Petitioner

Versus

M. Rizwan @ Nahid, S/o Late Syed Imdad Ali, Aged about 50 years, R/o
Risaipara, Opp. Bhagwati Backery, Dhamtari, Tahsil and Distt. Dhamtari
(C.G.)
(Defendant)
---- Respondent

For Petitioner: Mr. Adil Minhaj, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

10/04/2019

1. Heard on admission.
2. By the impugned order, the plaintiff's opportunity to cross-examine the defendant himself – M. Rizwan @ Nahid, has been closed.
3. Learned counsel for the petitioner / plaintiff submits that the order impugned is unsustainable and bad in law. The suit is for declaration of title and injunction and therefore cross-examination of the defendant is very much necessary.
4. Taking into consideration the submission of learned counsel for the petitioner / plaintiff and considering the fact that the suit is for declaration of title and permanent injunction and that the suit is now fixed for final argument on 12-4-2019 at the trial Court Dhamtari, on that day, if the defendant appears then the plaintiff will be permitted to cross-examine him and if for any reason he does not appear, the trial

Court will fix another of not less than seven days from that day, subject to payment of cost of ₹ 3,000/- to the respondent / defendant with a liberty to the respondent / defendant to file application for modification of this order, if any.

5. With the aforesaid observation and liberty, the writ petition stands finally disposed of. No order as to cost(s).
6. A copy of this order be sent to the trial Court by e-mail and fax.
7. Certified copy today.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma