

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 354 of 2019**

- Devendra Kumar Sahu S/o Shri Prabudatt Sahu Aged About 45 Years R/o New Adarsh Nagar, Ward No.52, Street No. 05, Zone-2, Post Office- Kassardih, Durg, Tahsil and District - Durg, Chhattisgarh

---- Petitioner**Versus**

- Toplal Shresth S/o Late Prem Bahadur Shresth Aged About 49 Years R/o Quarter No.1/H, Street No.36, Sector-7, Bhilai Nagar, Tahsil And District- Durg, Chhattisgarh

---- Respondent

For Petitioner : Shri Pushpendra Kumar Patel, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****01.05.2019**

1. By the impugned order, the Petitioner's opportunity to lead evidence has been closed by the trial Court.
2. Learned counsel for the Petitioner would submits that the Petitioner's opportunity to lead evidence has been closed, he has already filed the affidavit under Order 18 Rule 4 of CPC. Therefore, opportunity be granted to examine himself and one more witness namely Gopal Sahu and the case is fixed for 19.06.2019.
3. I have heard the learned counsel for the Petitioner and perused the impugned order.

4. Taking into consideration that suit is for specific performance of the contract and the nature of dispute between the parties, it would be appropriate to grant an opportunity to the Petitioner/defendant to examine himself and witness Gopal Sahu before the trial Court on 19.06.2019, subject to payment of cost of Rs.3000/-. He will file the affidavit under Order 18 Rule 4 of CPC on or before 19.06.2019 and he be necessarily examined on that day.
5. With the aforesaid observation, the writ petition finally stands disposed of.

Sd/-
(Sanjay K. Agrawal)
Judge