

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 372 of 2019**

Chaitanya Umre, aged about 45 years, son of Late Namdev Umre, R/o Qtr No. 4/B, Street No. 17, Sector-5, Bhilai Nagar, P.S. Bhilai Nagar, Tahsil and Distt. Durg, Chhattisgarh.

---- Petitioner/Applicant

Versus

Smt. Varuna Umre @ Annu Soni, aged about 37 years, wife of Shri Balvinder Singh Soni, R/o Vill. Rasmada, Indra Awas Durg, Tah. & Distt. Durg, Chhattisgarh.

Permanent resident – House No. 38, Ward No. 06, Deendayal Colony, Near Chikhli Naka, Primary School road, Chikhli, Rajnandgaon, Tahsil and District Rajnandgoan, Chhattisgarh.

---- Respondent/Non-applicant

For Petitioner : Mr. Pushpendra Ku. Patel, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****03/05/19**

1. By the impugned order dated 12/03/2019, passed by the principal Judge, Family Court, Durg in registered case No. 488/2017, petitioner's opportunity to lead evidence has been closed against which this writ petition under Article 227 of the Constitution of India has been preferred by him.
2. Learned counsel for the petitioner submits that the order passed by the learned Family Court is absolutely unsustainable and bad in law.

3. I have heard learned counsel for the petitioner, considered his submission and went through the record with utmost circumspection.
4. Taking into consideration the reason assigned by the petitioner for not keeping the witnesses present before the Family Court, Durg on 12/03/2019, one opportunity to adduce further evidence and to examine his witnesses is granted to him. The petitioner will keep his two witnesses present before the Family Court on the next date of hearing i.e. 20/05/2019, subject to payment of a cost of Rs. 3,000/- to the respondent. However, the respondent is at liberty to file an application for seeking modification of this order, if aggrieved.
5. With the aforesaid observations, this writ petition stands disposed of.
6. A copy of this order be sent to the concerned Family Court by e-mail/fax.

Sd/-

(Sanjay K. Agrawal)

Judge