

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 471 of 2019**

Smt. Sarita Gonde, aged about 31 years, wife of Suresh Kumar Gonde, R/o. Village Bhadra, P.O. Pasid, P.S. Sarangarh, Tahsil Sarangarh, Distt. Raigarh (C.G.)
(Plaintiff)

----Petitioner

Versus

Suresh Kumar Gonde, son of Shri Mohanlal Gonde, aged about 40 years, Occupation Training Officer, Adarsh Industrial Training Institution, Koni, Bilaspur, Tahsil and District Bilaspur, second address: Said Kripa Nivas Geetanjali City, infront of Phase-1, Bahatarai Road, Sarkanda, P.S. Sarkanda, Tahsil and Dist. Bilaspur (C.G.)
(Defendant)

---- Respondent

For Petitioner : Mr. R.S. Patel, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

19/06/2019

Heard on the question of admission.

(1) By the impugned order dated 25.05.2019, petitioner/plaintiff's application under Section 65 of the Evidence Act, 1872 has been rejected by the trial Court, against which instant writ petition under Article 227 of the Constitution of India has been preferred.

(2) Learned counsel appearing for the petitioner would submit that impugned order is bad and unsustainable in law, which is liable to be set aside.

(3) I have heard learned counsel appearing for the petitioner and considered his submissions made hereinabove and went through the record with utmost circumspection.

(4) Since the trial Court has assigned sufficient and valid reasons to reject the application including non serving of notice under Section 66 of the Evidence Act, I do not find any illegality or perversity in the order impugned rejecting application under Section 65 of the

Evidence Act.

(5) Accordingly, the writ petition fails and is hereby dismissed. However, the petitioner is at liberty to produce certified copy of the marriage certificate/birth certificate, if any.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

