

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 501 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, District- Raipur, Chhattisgarh And Risaipara, Dhamtari, Tehsil And District- Dhamtari, Chhattisgarh

(Name Wrongly Mentioned As Mohd. Riyazul Haq @ Arif In The Impugned Order)

(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 District- Dhamtari, Chhattisgarh.

(Defendant)
---- Respondent

For Petitioner : Mr. Adil Minhaj, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****25.07.2019**

1. By the impugned order (Annexure P/1) dated 27.04.2019, the plaintiff's application for conducting DNA test of the parties, has been rejected.
2. Mr. Minhaj, learned Counsel for the petitioner/ plaintiff, would submit that the impugned order is unsustainable and bad in law.
3. I have heard learned counsel for the petitioner/ plaintiff, considered his submission made hereinabove and went through the records with utmost circumspection.
4. The suit was filed by the plaintiff before the trial Court on 01.01.2013 vide Annexure P/2 for declaration of title and permanent injunction, in

which the plaintiff as well as the defendant have closed their evidence, and the trial is at the stage of final argument. The plaintiff filed an application for conducting DNA test of the parties, which was not entertained by the trial Court holding that the said application is filed after closure of the plaintiff's evidence, as such, the trial Court is absolutely justified in not entertaining the application at the stage when the parties have closed their evidence long back. I do not find any merit in the present petition. As the civil suit is pending since 2013, learned trial Court is directed to hear and dispose of the matter within a period of one month from the date of receipt of copy of this order.

5. With the aforesaid observations, the writ petition stands finally disposed of. However, the petitioner/ plaintiff is at liberty to raise the ground in his civil suit.
6. A copy of this order be sent to the trial Court by e-mail and fax.

Sd/-
(Sanjay K. Agrawal)
Judge