

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 573 of 2019**

Mukesh Kedia, Aged about 30 years, Son of Rajendra Prasad Kedia, R/o Agrasen Chowk Singhaniya, Near Petrol Pump, Akaltara, Police Station Akaltara, Tahsil Akaltara, District Janjgir-Champa, Chhattisgarh.

---- **Petitioner****Versus**

Hardeep Singh Khanuja, Aged about 45 years, S/o Kalyan Singh Khanuja, R/o Tarbahar Sirgitti, near Liquor Shop, Nagar Panchayat Sirgitti, Police Station Sirgitti, Tahsil & District Bilaspur, Chhattisgarh.

---- **Respondent**

For Petitioner : Mr. Arvind Shrivastava, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board**18/07/19**

1. By the impugned order dated 28/06/2019 (Annexure P/1) passed in civil suit No. 13B/2017, learned 3rd Additional District Judge, Bilaspur has allowed the application filed the respondent/plaintiff under Order 17 Rule 1 of CPC and extended the period for adducing evidence and fixed the case for plaintiff's evidence on 29/07/2019. Being aggrieved, the petitioner/defendant has preferred this writ petition under Article 227 of the Constitution of India.
2. Learned counsel for the petitioner/defendant submits that the

impugned order passed by learned trial Court is unsustainable and bad in law, which deserves to be set aside.

3. I have heard learned counsel for the petitioner, considered his submissions and went through the records carefully.
4. Learned trial Court, in the interest of justice, has passed the impugned order and has given last opportunity to the respondent/plaintiff to adduce evidence by getting his witnesses examined and has clearly observed that if the respondent/plaintiff fails to examine his witnesses on the next date fixed for hearing i.e. on 29/07/2019, his opportunity will be closed. I do not find any perversity or illegality in the impugned order warranting interference under Article 227 of the Constitution of India.
5. This writ petition, being devoid of merits, deserves to be and is accordingly dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge