

HIGH COURT OF CHHATTISGARH AT BILASPUR**WP227 No. 678 of 2019**

Sunder Singh, Son of Madan Singh Bhatia, Aged about 55 years,
Resident of Village Agari P/H.N. 13 Tahsil Bodla Distt. Kabirdham,
Chhattisgarh.

---Petitioner/Plaintiff

Versus

1. Ikbal Khan, Son of Abdul Hafiz Khan, Aged about 60 years.
2. Tahir Khan, Son of Abdul Hafiz Khan, Aged about 55 years.
3. Vajid Khan, Son of Abdul Hafiz Khan, Aged about 53 years.
4. Anwar Khan, Son of Abdul Hafiz Khan, Aged about 50 years.

All above are residents of Musalmaan Mohalla Radhakrishna Ward
Kawardha, District Kabirdham, Chhattisgarh.

5. State of Chhattisgarh, Through Collector, Kawardha, Kabirdham,
Chhattisgarh.

---- Respondents/Defendants

For Petitioner	:	Mr. Ajit Singh, Advocate
For State	:	Mr. Mateen Siddiqui, Deputy Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

09/09/2019

1. By the impugned order dated 08/08/2019, petitioner's application under Order 16 rule 1 (3) of the CPC for examining the Tahsildar / officer in charge of record room, Bodla, Distt. Kabirdham has been rejected by learned 2nd Civil Judge Class I, Kawardha against which this writ petition has been preferred by him.

2. Mr. Ajit Singh, learned counsel for the petitioner would submit that in order to prove the mutation records (namantran panji) 1985-86, examination of Tahsildar / officer in charge of record room is necessary for which petitioner herein filed an application under Order 16 rule 1 (3) of the CPC but the same was rejected by the trial Court by the impugned order on untenable grounds.
3. I have heard learned counsel for the petitioner at length.
4. It appears that petitioner herein filed an application under Order 7 Rule 14 for taking certain documents on record and the said application was allowed by the trial Court on 08/08/2019 and the documents were taken on record. However, the application filed by the petitioner under Order 16 rule 1 (3) of the CPC for examination of the Tahsildar/officer in charge of record room, Bodla was rejected by the trial Court by the impugned order. In order to prove the documents which were taken on record, examination of the said competent officer from the office of the Tahsildar, Bodla, Distt. Kabirdham is necessary, as such, the impugned order is hereby set aside and the application filed by the petitioner under Order 16 rule 1 (3) of the CPC is allowed subject to payment of a cost of Rs. 2,000 /- to defendants/respondents No. 1 to 4 herein.
5. This writ petition is allowed to the extent indicated herein-above. However, the respondents/defendants are at liberty to file suitable application for modification, if any.

Sd/-
(Sanjay K. Agrawal)
Judge