

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 948 of 2019

- Bechan, S/o. Nanka, Aged About 30 Years, Occupation Agriculture, R/o. Village Batwahi, P.S. and Tehsil Lundra, District-Surguja, Chhattisgarh.

---- Petitioner

Versus

1. Jainath, S/o. Khasru Aged About 70 Years Occupation- Agriculture, R/o Village Batwahi, Police Station and Tehsil Lundra District Surguja Chhattisgarh.
2. Sukhsai, S/o. Modi, Aged About 45 Years, Occupation- Agriculture, R/o Village Batwahi, Police Station And Tehsil Lundra District Surguja Chhattisgarh.
3. Galo Bai, W/o. Modi, Aged About 60 Years, Occupation- Agriculture, R/o Village Batwahi, Police Station and Tehsil Lundra District Surguja Chhattisgarh.
4. State of Chhattisgarh Through- Collector, Surguja, Ambikapur Chhattisgarh.

---- Respondents

For petitioner	:	Mr. Nishikant Sinha, Advocate.
For respondent No.4	:	Mr. Devendra Pratap Singh, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

10/12/2019

1. The petition has been brought being aggrieved by the order dated 13.11.2019 (Annexure P-1) passed by the 3rd Civil Judge Class-I, Ambikapur, District-Surguja, Chhattisgarh in Civil Suit No.77A/2014 rejecting the application filed by the petitioner/plaintiff under Order 7 Rule 14 of CPC.
2. It is submitted that the learned trial Court had earlier closed the opportunity of the petitioner/plaintiff, that order was challenged in WP227 No.383/2019. This Court vide order dated 18.11.2019 has

allowed the petition and granted further opportunity to the petitioners/plaintiffs to lead evidence.

3. Learned trial Court had considering that opportunity of petitioner has been closed, rejected the application. As now the petitioner has been afforded with opportunity to lead evidence, therefore, his application for filing additional documents may be allowed so that no prejudice is caused to him. It is also submitted that all the documents proposed to be filed are the copies are revenue records, therefore, they are public documents, hence, prayer be allowed.
4. Private respondents are yet to be noticed.
5. Respondent No.4 is represented by State Counsel Mr. Devendra Pratap Singh, who makes formal objection.
6. Considering that subsequent to the passing of the impugned order on 13.11.2019, the circumstance has changed because of the order dated 18.11.2019 passed by this Court in WP(227) No.383 of 2019, therefore, the stage in the trial of the civil suit has been reverted back to the stage of plaintiffs evidence, therefore, the trial Court is directed to reconsider on the application filed by the petitioner in view of this changed circumstance and pass order in accordance with law.
7. Accordingly, the petition is disposed off at the motion stage. The impugned order is set aside and the learned trial Court is directed to reconsider on the same application in the light of change in circumstances and pass orders in accordance with law.

Sd/-

(Rajendra Chandra Singh Samant)
Judge