

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(227) No. 33 of 2020

Laxmishanker Pandey S/o Late Gayatri Prasad Pandey Aged About 62 Years R/o Vidyanagar, Bilaspur, Chouhan Bada, Police Station Tarbahar, District- Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. Gulabi Bai W/o Late Asha Ram Chouhan R/o. Chouhan Bada, Vidyanagar, Bilaspur, Police Station Tarbahar, Tahsil And District Bilaspur, Chhattisgarh.
2. Rajesh Singh Chouhan S/o Late Asha Ram Chouhan Aged About 45 Years R/o. Chouhan Bada, Vidyanagar, Bilaspur, Police Station Tarbahar, Tahsil And District Bilaspur, Chhattisgarh.
3. Rakesh Singh Chouhan S/o Late Asha Ram Chouhan Aged About 40 Years R/o. Chouhan Bada, Vidyanagar, Bilaspur, Police Station Tarbahar, Tahsil And District Bilaspur, Chhattisgarh.
4. State Of Chhattisgarh Through- Collector, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner	: Shri Rajeev Kumar Dubey, Advocate.
For the Respondent/ State	: Shri C.B. Kesharwani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10-02-2020

1. Heard.
2. This petition has been brought being aggrieved by the order dated 7.12.2019 passed by the trial Court in Civil Suit No. 343A of 2015, by which the opportunity of the petitioner/ plaintiff has been closed by the trial Court.
3. It is submitted by counsel for the petitioner that the learned trial Court has erroneously passed the order without appreciating this fact that a number of dates that are mentioned in the impugned order were not for hearing of the case. The petitioner bonafidely wants to prosecute the

civil suit, therefore, he may be given one more opportunity for the same. Hence, it is prayed that the petition be allowed and the relief be granted to the petitioner.

4. Learned State counsel appearing for respondent No.4 makes a formal objection.
5. Considered the submissions and perused the documents that are present with the petition. I am of this view that one more opportunity should be given to the petitioner/ plaintiff so that the case filed by him is disposed off on merits and a result comes which shall be in the form of final adjudication of the dispute between the parties. Hence, in the interest of justice, this petition is disposed off at motion stage without notice to the other respondents. The impugned order is set aside and the learned trial Court is directed to afford one single opportunity to the petitioner for examining his witnesses on the next date of hearing.
6. The trial Court is directed to fix a date for hearing of plaintiff's evidence in the last week of **February, 2020** and after recording of evidence proceed to decide the civil suit in accordance with law.

Certified copy of the order today.

Sd/-

(Rajendra Chandra Singh Samant)
Judge