

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(227) No. 101 of 2021

Kaushal Kishore Awasthi S/o Jagdish Prasad Awasthi Aged About 58 Years R/o Geedam, Tahsil Geedam, District Dantewada Chhattisgarh.

---- Petitioner

Versus

1. Chief Municipal Officer Nagar Panchayat, Geedam, Tahsil Geedam, District Dantewada Chhattisgarh.
2. State Of Chhattisgarh Through Collector, Dantewada District South Baster Dantewada Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Shrawan Agrawal, Advocate
For the Respondents	:	Shri Anil Tripathi, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19.08.2021

Heard.

1. This petition under Article 227 of the Constitution of India has been brought being aggrieved by the order dated 16.12.2020, passed in Civil Suit No.3-A of 2015, by which the application filed under Order 16 of the CPC praying for summoning of the government witnesses has been rejected.
2. It is submitted that the petitioner/ plaintiff had prayed for summoning of the government witnesses to prove the revenue documents in the possession of the government officials, which has been rejected by the impugned order mentioning that the certified copy of the documents can be produced in proof of the plaintiff's case. Subsequent to that, the petitioner moved an application for taking documents on record alongwith certified copy of the documents in support of the plaintiff's case. Learned trial Court has rejected that application also, therefore,

the petitioner has become remediless and there is no method present, by which he will prove this case. Hence, it is prayed that this Court should exercise jurisdiction to interfere with the impugned order and the relief be granted to the petitioner.

3. After considering the submissions, this petition is disposed off at motion stage. The petitioner is granted liberty to file a repeat application under Order VII Rule 14(3) of the CPC praying for taking additional documents on record and the learned trial Court is also directed to consider the same and pass the orders in accordance with law.
4. Accordingly, the petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge