

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No.142 of 2021

- Runa Bai W/o Shri Ishwar Pathak Aged About 70 Years Caste Bramhan, Resident Of Pathakpara, Takhatpur, Tahsil Takhatpur, District Bilaspur Chhattisgarh

---- Petitioner

Versus

- Nagar Panchayat Takhatpur Through Chief Municipal Officer, Nagar Panchayat Takhatpur, District Bilaspur Chhattisgarh

---- Respondent

For Petitioner

– Mr. Mirza Hafeez Baig, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-03-2021

Heard.

1. This petition has been brought seeking indulgence of this Court under Article 227 of Constitution of India for quashing the order dated 04.02.2021, by which the opportunity of petitioner/plaintiff has been closed.
2. It is submitted by the learned counsel for the petitioner that the petitioner is a 70 year old woman and because of her physical ailment, she could not appear on the given date. The learned trial Court has arbitrarily passed orders closing the opportunity of evidence of the petitioner/plaintiff. Therefore, it is prayed that the petition may be admitted and relief be granted to the petitioner.
3. Considered on the submissions. The petition is disposed off at the

motion stage and the impugned order dated 04.02.2021 is set aside. The learned trial Court is directed to grant one more opportunity to the petitioner for producing evidence in support of a plaint regarding which the date shall be fixed by the trial Court itself and then proceed with the case in accordance with law.

4. Accordingly, this petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika