

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 310 of 2020

- Jantri Bai Dewangan, W/o Hariram Dewangan, Aged About 66 Years, R/o - Tikripara, Ward No. 15, Gandai, Tahsil - Chhuikhadan, District - Rajnandgaon Chhattisgarh (Defendant No. 02); District : Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

1. Ganesh Ram Dewangan, S/o Late Shri Banshilal Dewangan, Aged About 55 Years, R/o - 112, Punam Colony, Ward No. 17, Rajnandgaon Tahsil and District - Rajnandgaon Chhattisgarh Permanent R/o - Tikripara, Ward No. 12, Gandai, Tahsil - Chhuikhadan, District - Rajnandgaon Chhattisgarh (Plaintiff); District : Rajnandgaon, Chhattisgarh
2. Vedprakash Dewangan, S/o Hariram Dewangan, Aged About 40 Years, R/o - Tikripara, Ward No. 15, Gandai, Tahsil - Chhuikhadan, District - Rajnandgaon Chhattisgarh (Defendant No. 01); District : Rajnandgaon, Chhattisgarh

----Respondents

For Petitioner – Shri Dharmesh Srivastava, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-08-2021

1. This petition has been brought being aggrieved by the order dated 05-02-2020 passed by learned Additional District Judge, Khairagarh in Civil Suit No.3A/2014 dismissing the application filed by the petitioner under Order 16 Rule 3 and 4(a) read with Section 151 of the CPC.
2. It is submitted by learned counsel for the petitioner that the petitioner is defendant and he is in possession of the document dated 01-01-1998 which was being challenged by respondent No.1/plaintiff. Therefore, the petitioner had prayed for summoning the official witnesses, but the application has been rejected by the impugned order and the opportunity of producing evidence of the petitioner has also been closed.
3. After considering on the submission, the petition is disposed off at motion stage. The learned trial Court is directed to grant one opportunity to the

petitioner to produce the document in his possession and the evidence and witnesses in support of his defence. After appearance of the parties a date may be fixed for such recording of evidence and production of document.

4. The petition is hereby disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge