

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**W.P.(227) No. 217 of 2021**

Tikamlal, S/o. Channulal Sahu, aged about 65 years, R/o. Village Domhatola, Tehsil and District Rajnandgaon Chhattisgarh.

**---- Petitioner**

**Versus**

1. State of Chhattisgarh, Through : Collector, Rajnandgaon, Chhattisgarh.
2. Naib Tehsildar (Dhumka Revenue Circle), Rajnandgaon, Chhattisgarh.
3. Hemlal Sahu, S/o. Gwal Sahu, R/o. Village Domhatola, Tehsil and District -Rajnandgaon, Chhattisgarh.

**-----Respondents**

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| For Petitioner                | : Mr. Kshitij Sharma, Advocate |
| For Respondent/State No.1 & 2 | : Mr. B.P. Banjare, Dy.G.A.    |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order On Board**

**01/04/2021**

1. This petition has been brought being aggrieved by the order dated 01.03.2021, passed in Civil Suit No.81-A/2015 by the trial Court, closing the opportunity of the petitioner/plaintiff for producing evidence.
2. It is submitted by the counsel for the petitioner that the petitioner is 71 years old and he is suffering from various ailments. On the date of hearing, the petitioner could not appear because of his illness, therefore, the application under Order 17 Rule 1 of C.P.C. was filed for adjournment, which has been rejected without any consideration. The consideration given by the trial Court is this that the plaintiff has been given sufficient opportunities, whereas on the previous date 05.02.2021, the plaintiff and his witnesses were present, however, the case was adjourned. In case the

plaintiff/petitioner is not granted opportunity for examination of the plaintiff and his witnesses, then he will suffer irreparable injury. Hence, it is prayed that this petition be allowed and the petitioner be granted one opportunity to produce his evidence.

3. State counsel appearing on behalf of the respondent No.1 & 2 makes formal objection.
4. Considered on the submissions and perused the documents placed on record.
5. Without notice to the private respondents, this petition is disposed off at motion stage. Order of closing opportunity of the petitioner/plaintiff is hereby set-aside and the petitioner is granted only one opportunity for producing his evidence before the trial Court. A date may be fixed by the trial Court for plaintiff's evidence on his appearance on the next date and that shall be the final date, after which, the petitioner shall not have any opportunity to seek any further adjournment.
6. Accordingly, this petition is disposed off with the observation as aforesaid.

Certified copy today.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge