

HIGH COURT OF CHHATTISGARH, BILASPUR
WP227 No. 513 of 2021

- Smt. Aarati Vishwas, Wd/o. Late Shankar Kumar Vishwas, Aged About 71 Years R/o. Flat No. C-506 S.M.R. Vinay Galaxy Hoodi Circle I.T.P.L. Road Bangalore 560048. Through Power Of Attorney Holder Shri Asit Baran Chaudhari, S/o. Late Amal Krishna Chaudhari Aged About 64 Years, R/o. Flat No. 312 Nandanik Apartment 19-A, Deodar Street Ballygunge Kolkata (West Bengal) 700019 (Now They Are Residing At Above Mentioned Address)

---- **Petitioner**

Versus

- Smt. Shilpi Vishwas, W/o Sajid Vishwas, Aged About 38 Years, R/o. Flat No. C-200, Sumangal Apartment Behind Ratan Hotel Link Road, Opposite Hotel Deep Bilaspur, District : Bilaspur, Chhattisgarh.

---- **Respondent**

For Petitioner : Mr. Aishwarya Pandey, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

07/10/2021

Heard.

1. This petition under Article 227 of the Constitution of India has been brought being aggrieved by the order dated 01.09.2021 passed by First Civil Judge Class-II, Bilaspur, District-Bilaspur in Civil Suit No.204-A/2018 dismissing the application filed under Order 26 Rule 01 of CPC.
2. It is submitted by the counsel for the petitioner, that the plaintiff is a 70 years old woman and she is at present suffering from urinary infection because of which she is admitted in the hospital, therefore, the application filed for her examination as a witness by a Commission

should have been allowed by the learned trial Court, which has been erroneously dismissed.

3. After considering on the submissions, the petition is disposed off at motion stage. The petitioner is granted liberty to file repeat application for her examination as a witness by Commission along with proof, in case she is not a fit condition to move and travel. Learned trial Court is also directed to consider of such application if any filed by petitioner and pass appropriate order.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha