

9/10/08

49

HIGH COURT OF CHHATTISGARH: BILASPUR

Writ Petition (C) No. 5471 of 2008

Petitioner
Plaintiff

Devendra Kumar Agrawal, S/o. Shri Santosh Agrawal, aged 255 years, Firm Goyal Vastra Mela, G.E. Road, Janta Market, Power House P.S. Chhawani, Bhilai, Distt. Durg (CG).

Versus

Respondents
Defendants

1. Commissioner – Municipal Corporation, Bhilai, Distt. Durg (CG).
2. State of Chhattisgarh, through Collector, Durg, Distt. Durg (CG).

(Writ Petition under Article 227 of Constitution of India)

SB: Hon'ble Mr. Satish K. Agnihotri, J.

Present: Shri P.R. Patankar, counsel for the petitioner.
Shri H.B. Agrawal, Sr. counsel with Ms. Rinki Tamrakar, counsel for the respondent No.1.
Shri A.S. Kachhawaha, Dy. Advocate General for the respondent No.2/State.

ORAL ORDER

(Passed on this 30th day of September, 2008)

With the consent of learned counsel appearing for the parties, the matter is heard finally.

2) The petitioner, by this petition, challenges validity and legality of the orders dated 26-3-2008 & 2-9-2008 passed by the First Civil Judge, Class-I, Durg, in Civil Suit No. 30-A/2006, whereby the application of the petitioner to exhibit certain documents, which are already on record, was rejected.

3) In normal circumstances, when all the evidences are concluded, it should not be permitted.

4) Mr. Patankar, learned counsel appearing for the petitioner submits that the documents have already been filed and same are to be exhibited



49

keeping in view the fact that it was objected during cross examination by the defendants.

5) Be that as it may, the ultimate goal is subservance of the justice and statutory limitation should not be overstepped. Grant of relief will depend upon the factual back-ground involved in each case. The Court undoubtedly would take into consideration the questions of serious injustice or irreparable loss, but nevertheless should bear in mind that purpose and ultimate goal is administration of justice. (See Bollepanda P. Poonacha and another Vs. K.M. Madapa (2008 (5) SCJ 409).

6) In view of the foregoing, the impugned orders dated 26-3-2008 & 2-9-2008 are quashed. The Court below is directed to exhibit the documents already filed by the petitioner and proceed with the trial, in accordance with law.

7) Accordingly, the petition stands disposed of. Consequently, I.A.No.1 also stands disposed of.

Raju

Sd/-
Satish K. Agnihotri
Judge