

THE HIGH COURT OF MADHYA PRADESH
MP-549-2018

(DHARMIYA Vs THE STATE OF MADHYA PRADESH)

Indore, Dated : 31-01-2018

Shri Pankaj Sohani, learned counsel for the petitioner.

This writ petition under Article 227 of the Constitution of India, at the instance of the plaintiff/petitioner is filed taking exception to the order dated 11.01.2018, whereby the trial Court has rejected the application filed under Order 16 Rule 14 CPC.

The facts relevant and necessary for disposal of the writ petition in nutshell are to the effect that a reference case under Section 18 of the Land Acquisition Act, 1894 is pending consideration. The petitioner has already completed evidence and also examined two witnesses as regard the valuation of trees standing on the land and closed his evidence on 26.09.2017 Thereafter, the defendant began to lead evidence. On 07.11.2017, the Land Acquisition Officer has also filed evidence on affidavit under Order 18 Rule 4 CPC. At this stage, the instant application was filed seeking requisition of record of the year 1993 for the purposes of valuation of trees.

The trial Court under the aforesaid circumstances has found that the plaintiff cannot be permitted to fill up the lacuna in evidence by resorting to Order 16 Rule 14 CPC at this stage, and particularly when evidence has already been closed and the defendant has submitted evidence, on affidavit.

In the opinion of this Court, the trial Court has acted in accordance with law. Even otherwise, Order 16 Rule 14 CPC can be pressed into service if the Court thinks it necessary to do so. In the opinion of this Court, no illegality or jurisdictional error has been committed by the trial court while rejecting the application. Hence, no interference is warranted in exercise of jurisdiction under Article 227 of the Constitution of India.

This writ petition sans merit and is hereby dismissed.
Certified copy as per rules.

(ROHIT ARYA)
JUDGE

Reena
Joseph

Digitally signed by Reena Joseph
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High Court of Madhya Pradesh