

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 38 of 2022**

- Santosh Vaishnav S/o Surendra Vaishnav, Aged About 36 Years R/o Pathariya, Tahsil - Pathariya, District Mungeli Chhattisgarh

---- Petitioner**Versus**

1. Umesh Yadav S/o Shri Kanhaiya Lal Aged About 46 Years R/o Pathariya, Tahsil Pathariya, District Mungeli Chhattisgarh
2. State Of Chhattisgarh, Through - Collector Mugeli District - Mungeli Chhattisgarh
3. Chief Municipal Officer, Nagar Panchayat Pathariya, District Bilaspur Chhattisgarh

---- Respondents

For Petitioner	:	None
For Respondent No.1	:	Shri Shishir Dixit, Advocate
For Respondents/State	:	Shri R.K. Bhagat, Dy. GA

HON'BLE SHRI JUSTICE NARENDRA KUMAR VYAS**ORDER****30/05/2022**

1. The matter was called twice but no one appeared on behalf of the petitioner.
2. The present petition has been filed under Article 227 of the Constitution of India challenging the order dated 29.11.2021 (Annexure P-1) passed by the learned Civil Judge, Class – I , Mungeli whereby the right of the plaintiff to lead evidence has been closed.

3. Perused the documents and heard learned counsel for the respondents.
4. This Court by order dated 18.01.2022 stayed the further proceedings before the trial Court.
5. Learned counsel for respondent No.1 would submit that he has no objection if an opportunity is granted to the plaintiff to lead his evidence.
6. Considering the submission made by learned counsel for respondent No.1, I am of the view that the petition deserves to be allowed. Accordingly, the order passed by learned Civil Judge, Class-I, Mungeli dated 29.11.2021 in Civil Suit No.38A/2017 is set aside. The trial Court is directed to decide the case by giving opportunity to lead evidence to the plaintiff and the Court shall grant three more opportunity from the first date fixed by the trial Court for evidence of plaintiff which should not be beyond the outer limit of 45 days. The parties are directed to appear before the trial Court on 21st of June, 2022 and thereafter the matter will be fixed by the learned trial Court for plaintiff evidence and the trial Court shall decide the case by giving opportunity to the plaintiff as observed by this Court in the foregoing paragraphs and shall make all possible endeavor to dispose of the case within a period of one year from the date of receipt of the copy of this order.
7. Accordingly, the writ petition stands allowed to the extent indicated above.

Sd/-

Narendra Kumar Vyas
Vacation Judge

Ashu