

**(2018) 09 CHH CK 0073**

**Chhattisgarh High Court**

**Case No:** Writ Petition (227) No. 761 Of 2018

Surendar Kaur

APPELLANT

Vs

Uma Shankar Singh

RESPONDENT

**Date of Decision:** Sept. 5, 2018

**Acts Referred:**

- Evidence Act, 1872 - Section 65

**Hon'ble Judges:** Sanjay K. Agrawal, J

**Bench:** Single Bench

**Advocate:** Aashutosh Shukla, Arun Sao

**Final Decision:** Disposed Of

### **Judgement**

Sanjay K. Agrawal, J

1. The petitioner's application filed under Section 65 of the Indian Evidence Act (for brevity, 'Act') has been rejected by order dated 04.07.2018 on the ground that it is not supported by affidavit.
2. Learned counsel for the petitioner submits that he may be allowed to make fresh application under Section 65 of the Act supported by the affidavit.
3. The prayer is fair and reasonable.
4. Be that as it may, the petitioner is at liberty to make an application under Section 65 of the Act which will be duly supported by the affidavit and in that event, the application will be considered and decided by the concerned authority afresh without being prejudice of the earlier order dated 04.07.2018.
5. With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).