

## Nitu Shrivastava Vs Branch Manager, State Bank Of India And Ors

**Court:** Chhattisgarh High Court

**Date of Decision:** Sept. 12, 2018

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

**Bench:** Single Bench

**Final Decision:** Allowed

### Judgement

Sanjay K. Agrawal, J

1. By the impugned order dated 23.08.2018, the petitioner / plaintiff's opportunity to lead evidence has been closed by the trial Court on the ground that

petitioner appeared before the Court on the date fixed for evidence i.e. on 24.07.2018 and 23.08.2018 at about 4.45 pm, against which this writ petition

has been preferred.

2. I have heard petitioner in person.

3. It appears that though petitioner appeared before the Court on 24.07.2018 & 23.08.2018 at later part of the day but that cannot be a ground to

foreclose the opportunity of the petitioner to lead evidence. Accordingly, the impugned order is set aside.

4. As the case is fixed for tomorrow before the trial Court, the trial Court is directed to record the evidence of petitioner / plaintiff and her witnesses

on 13.09.2018 and petitioner is directed to appear before the trial Court at 11.00a.m.

5. The respondents / defendants would be at liberty to move an application for modification of the order, if they are aggrieved.

6. AR(J) is directed to send a copy of this order to the trial Court by today itself.

Certified copy today.