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**(2018) 09 CHH CK 0436**

**Chhattisgarh High Court**

**Case No:** Writ Petition (Art. 227) No. 830 Of 2018

Vyasnarayan Dhuri

APPELLANT

Vs

Ramsanehi And Ors

RESPONDENT

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**Date of Decision:** Sept. 27, 2018

**Acts Referred:**

- Code Of Civil Procedure 1908 - Order 18 Rule 4
- Constitution Of India, 1950 - Article 227

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

**Bench:** Single Bench

**Advocate:** Vipin Punjabi

**Final Decision:** Disposed Of

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### **Judgement**

Sanjay K. Agrawal, J

1. Heard on admission.

2. The petitioner / defendant No.2's opportunity to lead evidence has been closed by the impugned order on the ground that despite having been

granted number of adjournments, neither he has filed affidavit under Order 18 Rule 4 of the CPC nor adduced his witnesses before the trial Court

against which this writ petition under Article 227 of the Constitution of India has been filed.

3. Taking into account the ground assigned by defendant No.2 for not filing affidavit and not producing witness and taking into consideration the

submission of learned counsel for the petitioner / defendant No.2 that only defendant No.2 is remained to be examined, in the interest of justice,

opportunity is granted to defendant No.2 to examine himself before the trial Court on 4-10-2018, the date already fixed, subject to payment of cost of

₹ 2,000/- to the plaintiffs. On that day, defendant No.2 will appear personally before the trial Court for his examination and cross-examination by the

parties and no further opportunity would be granted to defendant No.2. The respondents are at liberty to file application for modification, if any.

4. With the aforesaid direction and liberty, the writ petition stands finally disposed of. No order as to cost(s).

5. Certified copy today.