



2026:CGHC:8330



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HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 1367 of 2025

1 - Nilesh Saluja S/o Late Ramsharan Saluja Aged About 49 Years Krishna Vihar Colony (Kawardha Raipur National Highway), Tehsil Bemetara, Distt. Bemetara, Chhattisgarh.

2 - Navin Saluja S/o Late Ramsharan Saluja Aged About 44 Years Krishna Vihar Colony (Kawardha Raipur National Highway), Tehsil Bemetara, Distt. Bemetara, Chhattisgarh.

3 - Nisha Saluja W/o Nilesh Saluja Aged About 48 Years Krishna Vihar Colony (Kawardha Raipur National Highway), Tehsil Bemetara, Distt. Bemetara, Chhattisgarh.

4 - Neha Saluja W/o Navin Saluja Aged About 42 Years Krishna Vihar Colony (Kawardha Raipur National Highway), Tehsil Bemetara, Distt. Bemetara, Chhattisgarh.

... Petitioner(s)

versus

1 - Kanchan Motwani W/o Manohar Motwani Aged About 43 Years R/o Sindhi Colony, Ward No. 03, Tehsil Bemetara, Distt. Bemetara, Chhattisgarh.

2 - Branch Manager Bank Of Baroda, Branch Rest House Chowk, Bemetara, Tehsil Bemetara, Distt. Bemetara, Chhattisgarh.

3 - Authorized Officer Idbi Bank Limited, Branch Bemetara, Tehsil Bemetara, Distt. Bemetara, Chhattisgarh.

4 - State Of Chhattisgarh Through Collector, Bemetara, Distt. Bemetara, Chhattisgarh.

... Respondents



For Petitioners	:	Mr. Sharad Mishra, Advocate
For Res. No. 1	:	Mr. Anand Shukla, Advocate
For Res. No. 2	:	Mr. Vinod Deshmukh, Advocate
For Res. No. 3	:	Mr. Prashant Gupta, Advocate
For Res. No. 4	:	Mr. Rohitashva Singh, Dy. Government Advocate

Hon'ble Shri Justice Sachin Singh Rajput

Order On Board

16/02/2026

1. Instant Writ Petition under Article 227 of the Constitution of India has been preferred by the petitioner assailing the legality, correctness and judicial propriety of the impugned order dated 16.12.2025 passed by the Second District Judge, Bemetara, District Bemetara (C.G.), whereby the right to lead evidence by petitioners /defendants No. 1 to 4 was closed.

2. Learned counsel for the petitioners/ defendants No. 1 to 4 submits that respondent No.1 / plaintiff filed a suit for declaration of title, possession, permanent injunction and damages in respect of the suit property, which is betterly described in the plaint. The written statement has also been filed by the petitioners/defendants denying the averments made in the plaint. Issues have been framed and thereafter the matter was posted for recording of the evidence of the plaintiff and after completion of the plaintiff's evidence, the defendants have to be examined themselves as witnesses. The defendants/petitioners Nos. 1 to 4 submitted list of witnesses indicating six witnesses are to be examined in their behalf. However, for recording of the remaining witnesses, the matter was posted on 16.12.2025. When the witnesses were not present on that date, the learned District Judge, vide impugned order dated 16.12.2025, rejected the prayer holding that two applications for adjournment have been filed giving different reasons. He submits that if the petitioners/defendants Nos. 1 to 4 are not allowed to lead



evidence, it would hamper their defence and would cause irreparable loss to them. Thus, the impugned order may be set aside and one opportunity may be granted to examine the witnesses on behalf of the petitioners/defendants Nos. 1 to 4.

3. Heavily opposing the submission made by learned counsel for the petitioner, Mr. Shukla, learned counsel for respondent No. 1 submits that sufficient opportunity has been granted to the petitioners and in fact the reasons for adjournment of the case is misplaced and in two applications two different reasons have been assigned. Therefore, there is no illegality or irregularity in the order impugned and the petition deserves to be dismissed.

4. Mr. Deshmukh, learned counsel for the respondent No. 2 submits that the dispute is between the petitioners and respondent No. 1.

5. I have heard the learned counsel for the parties and perused the record.

6. Of course from the record, it appears that some opportunity have been granted to the petitioners. From the record it also appears that the petitioner No. 1/plaintiff also examined himself as witnesses. Of course, there are two applications in which two different reasons have been assigned by the petitioners/defendants Nos. 1 to 4 for adjournment of the case on that day, however, the fact remains if the proper opportunity is not granted to the petitioners/defendants Nos. 1 to 4, it may hamper their defence and may prejudices the case. At the same time, this Court is conscious of the fact that the respondent No. 1/plaintiff should not be unnecessarily wait for the disposal of the civil suit.

7. Taking into consideration the above stated facts & circumstances, this



court is of the opinion that the interest of justice the petitioners/defendants Nos.

1 to 4 may be given one opportunity to record the evidence of their witnesses.

Thus, the impugned order is set aside subject to payment of cost of Rs. 1000/-

to be paid by the petitioners/defendants Nos. 1 to 4 to the respondent No.

1/plaintiff before the learned trial Court on the next date of hearing. As the

further proceeding of the civil suit is stayed by this Court, on the next date of

hearing, the learned District Judge would fix a date for recording of the

evidence of the witnesses of the petitioners/defendant Nos. 1 to 4. On that day,

the petitioners/defendant Nos. 1 to 4 may call their witnesses on his own or

through summons by the Court.

8. Thus, this writ petition is allowed. No costs.

9. Pending interlocutory applications, if any, stand (s) disposed of.

Sd/-
(Sachin Singh Rajput)
Judge

Ami