IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE ARUN KUMAR SHARMA

ON THE 2nd OF MAY, 2023

MISC. PETITION No. 1409 of 2023

BETWEEN:-

1. **DHAN SINGH S/O LATE SHRI NARAYAN SINGH R/O GODAR MAU TEHSIL HUZUR DISTRICT BHOPAL (MADHYA PRADESH)**

2. **TAKHAT SINGH S/O LATE SHRI BHAGIRATH R/O GODAR MAU TEHSIL HUZUR, DISTRICT BHOPAL (MADHYA PRADESH)**

.....PETITIONERS

(BY MS JUNE CHOUDHARY - SENIOR ADVOCATE WITH MS JAYALAKSHMI AIYER - ADVOCATE)

AND

1. **KALYAN SINGH (SINCE DIED) S/O LATE SHRI VIJAY RAM THROUGH LRS KESAR BAI W/O LATE KALYAN SINGH, AGED ABOUT 49 YEARS, R/O HOUSE NO. 39 VILLAGE SAMRADHA KALIYASOT HOSHANGABAD ROAD DISTRICT BHOPAL (MADHYA PRADESH)**

2. **SHRI CHANDRASHEKHAR SINGH (SINCE DIED) S/O KALYAN SINGH (DIED) THROUGH LRS. SMT. ALKA SINGH W/O CHANDRASHEKHAR SINGH, AGED ABOUT 33 YEARS, R/O HOUSE NO. 39 VILLAGE SAMRADHA KALIYASOT HOSHANGABAD ROAD BHOPAL (MADHYA PRADESH)**

3. **MSTR. PARAM SINGH S/O LATE CHANDRASHEKHAR SINGH, AGED ABOUT 12 YEARS, THROUGH GUARDIAN ALKA SINGH R/O HOUSE NO. 39 VILLAGE SAMRADHA KALIYASOT HOSHANGABAD ROAD BHOPAL (MADHYA PRADESH)**

4. **RAJENDRA SINGH S/O LATE KALYAN SINGH R/O HOUSE NO. 39 VILLAGE SAMRADHA KALIYASOT**

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HOSHANGABAD ROAD BHOPAL (MADHYA PRADESH)

5. SMT. SARITA D/O LATE KALYAN SINGH R/O HOUSE NO. 39 VILLAGE SAMRADHA KALIYASOT HOSHANGABAD ROAD BHOPAL (MADHYA PRADESH)

6. SMT. JYOTI RAJPUT D/O LATE KALYAN SINGH R/O HOUSE NO. 39 VILLAGE SAMRADHA KALIYASOT HOSHANGABAD ROAD BHOPAL (MADHYA PRADESH)

7. SMT. SHRINGAR BAI W/O SHRI PRABHULAL D/O LATE SHRI VIJAY RAM R/O VILLAGE SAMRADHA KALIYASOT HOSHANGABAD ROAD BHOPAL (MADHYA PRADESH)

8. SMT. LEELA BAI W/O SHRI LAXMAN SINGH D/O LATE SHRI VIJAY RAM R/O VILLAGE SAMRADHA KALIYASOT HOSHANGABAD ROAD BHOPAL (MADHYA PRADESH)

9. NARAYAN SINGH (SINCE DIED) THROUGH LRS. KAMAL SINGH S/O LATE SHRI NARAYAN SINGH R/O VILLAGE GONDARMAU TEHSIL HUZUR DISTRICT BHOPAL (MADHYA PRADESH)

10. HARI SINGH S/O LATE SHRI NARAYAN SINGH R/O VILLAGE GONDARMAU TEHSIL HUZUR DISTRICT BHOPAL (MADHYA PRADESH)

11. SMT. KRISHNA BAI D/O LATE SHRI NARAYAN SINGH R/O VILLAGE GONDARMAU TEHSIL HUZUR DISTRICT BHOPAL (MADHYA PRADESH)

12. SMT. CHIMAN BAI D/O LATE SHRI NARAYAN SINGH R/O VILLAGE GONDARMAU TEHSIL HUZUR DISTRICT BHOPAL (MADHYA PRADESH)

13. SMT. SURAJ BAI (SINCE DIED) THROUGH LRS. KASHIRAM S/O RAMSWAROOP R/O GODAR MAU TAHSIL HUZUR DISTRICT BHOPAL (MADHYA PRADESH)

14. TULSIRAM S/O RAMSWAROOP R/O DIGWAD TEHSIL GOHARGANJ DISTRICT RAISEN (MADHYA PRADESH)

15. JATNI BAI D/O RAMSWAROOP W/O BANE SINGH

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R/O VILLAGE MANIKHEDI TEHSIL HUZUR DISTRICT BHOPAL (MADHYA PRADESH)

16. RUPA BAI D/O RAMSWAROOP W/O KAMAL SINGH R/O VISHANKHEDA TEHSIL GOHARGANJ DISTRICT RAISEN 464990 (MADHYA PRADESH)

17. SHESH RAM S/O LATE SHRI RAMCHARAN R/O VILLAGE GONDARMAU TEHSIL HUZUR DISTRICT BHOPAL (MADHYA PRADESH)

18. NIRBHAY SINGH S/O LATE SHRI RAMCHARAN R/O VILLAGE GONDARMAU TEHSIL HUZUR DISTRICT BHOPAL (MADHYA PRADESH)

19. PACHIA BAI W/O LATE SHRI RAMCHARAN R/O VILLAGE GONDARMAU TEHSIL HUZUR DISTRICT BHOPAL (MADHYA PRADESH)

20. AMAR SINGH S/O LATE SHRI KISHAN LAL R/O VILLAGE GONDARMAU TEHSIL HUZUR DISTRICT BHOPAL (MADHYA PRADESH)

21. COLONEL RAJKUMAR SINGH S/O SHRI SHANKAR PAL SINGH R/O H-2 LALGHATI DISTRICT BHOPAL (MADHYA PRADESH)

22. SHIVAM TRIVEDI S/O SHRI S.C. TRIVEDI R/O CHUNA BHATTI BHOPAL (MADHYA PRADESH)

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23. DHARAMVEER DUBEY S/O SHRI SITARAM DUBEY R/O JANGIPURA DABRA DISTRICT GWALIOR (MADHYA PRADESH)

24. STATE OF M.P. THROUGH COLLECTOR OLD SECRETARIAT BHOPAL (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI YADVENDRA DWIVEDI - PANEL LAWYER)

This petition coming on for admission this day, the court passed the following:

ORDER

Heard.

The petitioners have preferred this petition under Article 227 of the

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Constitution of India against the order dated 03.02.2022 (Annexure-P/1) passed by the 17th Civil Judge Class-II, Bhopal in Civil Suit No.RCS-277A/2015, whereby the Court has closed the right of the defendants to cross-examine the plaintiff.

Having heard learned counsel for the parties and perused the record, this Court is of the considered view that one last opportunity should be granted to the petitioners to produce their evidence in the interest of justice. Accordingly, subject to deposit the cost of Rs.1,000/- with the M.P. High Court Employees Association, Jabalpur (SB A/c No.519302010000235, Union Bank of India, High Court Branch, Jabalpur) within a period of one month, this petition is **allowed** by setting aside the impugned order.

The trial Court is directed to afford only one opportunity to the petitioners led their evidence at the cost of petitioners. It is made clear that no adjournment shall be granted to the petitioners in this regard.

Let a copy of this order be sent to the concerned Court below for information and necessary compliance.

Certified copy as per rules.

(ARUN KUMAR SHARMA)
JUDGE

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