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IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE  
HON'BLE SHRI JUSTICE SUBODH ABHYANKAR  
ON THE 10<sup>th</sup> OF AUGUST, 2022

**MISC. PETITION No. 2207 of 2022**

**Between:-**

NAVEEN KUMAR S/O SHRI BONDERMAL JI  
JAIN, AGED ABOUT 45 YEARS, OCCUPATION:  
CINEMA SANCHALAN VALLABH BHAI PATEL  
MARG, WARD NO. 2 NEHRU PARK KE PICHE  
MANAWAR (MADHYA PRADESH)

**.....PETITIONER**

*(BY SHRI RAVINDRA KUMAR DUBEY, ADVOCATE )*

**AND**

1. JILADISH MAHODAYA DHAR (MADHYA PRADESH)
2. NAGAR PALIKA PARISHAD MANAWAR (MADHYA PRADESH)
3. C.M.O NAGAR PALIKA PARISHAD MANAWAR (MADHYA PRADESH)
4. PRAVEEN KUMAR S/O SHRI BONDERMALJI JAIN, AGED ABOUT 47 YEARS, OCCUPATION: BUSINESS R/O VALLABH BHAI PATEL MARG, WARD NO. 2 NEHRU PARK KE PICHE (MADHYA PRADESH)

**.....RESPONDENTS**

*(BY SHRI MANISH NAIR, DEPUTY A.G. )*

.....  
*This petition coming on for orders this day, the court passed the following:*

**ORDER**

Heard.

This miscellaneous petition has been filed under Article 227 of the Constitution of India against order dated 21.03.2022 passed in R.C.S.A.

08/2019 whereby the petitioner's application under Order XVIII Rule 17 read with Section 151 of C.P.C. has been rejected.

In brief, the facts of the case are that petitioner has filed a civil suit for declaration and permanent injunction regarding Shri Krishna Cinema, Manawar. In the aforesaid suit, an application under Order XVIII Rule 17 read with Section 151 of CPC has been filed for production of certain documents and for calling the witness along with an application under Order XIX Rule 1 & 2 read with Section 151 of CPC to call for the Chief Municipal Officer, Manawar for his cross-examination. The aforesaid applications have been dismissed by the learned Judge of the trial Court vide impugned order dated 21.03.2022 holding that on earlier occasions also the petitioner has sought adjournments for one reason or the other and it is also found that the petitioner had sought time to engage a new Advocate, whereas on the subsequent dates the petitioner's old Advocate also appeared and stated that he was never sought to be replaced and thus, holding that the petitioner is only adopting delaying tactics, the applications have been dismissed.

Counsel for the petitioner has submitted that the learned Judge of the trial Court has fixed the matter continuously and the petitioner has filed the aforesaid applications on *bonafide* grounds and for the just and proper decision of the case.

On due consideration of submissions, perusal of the documents filed on record including the impugned order, this Court is of the considered opinion that the learned Judge of the trial Court has not erred in any manner in dismissing the aforesaid applications while considering the petitioner/plaintiff's conduct and the aforesaid applications were filed by the petitioner on the day

when the matter was fixed for final arguments. In such circumstances, no case for interference is made out.

Accordingly, the petition being devoid of merits, is hereby dismissed.

**(SUBODH ABHYANKAR)**  
**JUDGE**

Pankaj

