

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (L) No. 58 OF 2012**

Mohan Singh S/o Mangal Sai aged about 47 years Caste Gond R/o village
Dhaneshpur Thana Surajpur Tahsil Ramanujnagar District Surguja
Chhattisgarh

---Petitioner**Versus**

1. Ramdas S/o Shri Mohar Sai aged about 37 years Caste Aahir R/o village
Dhaneshpur Thana Surajpur Tahsil Ramanujnagar District Surguja
Chhattisgarh
2. Sub Divisional Officer Surajpur District Surguja Chhattisgarh
3. The Collector Surajpur District Surguja Chhattisgarh

---Respondents

For Petitioner	: Mr. S.A. Ansari, Advocate
For Respondent No.1	: Mr. Anil Gulati, Advocate
For Respondents No.2 & 3	: Mr. Dhiraj Wankhede, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****20/11/2015**

1. This writ petition has been filed against the order dated 23.5.2011, by which, an order of recovery has been passed against the petitioner.
2. Learned counsel for the respondents would point out to this Court that the petitioner has also filed application for setting aside *exparte* order dated 23.5.2011 before the Sub-Divisional Officer, which is pending consideration.
3. Be that as it may, since the application under Order 9 Rule 13 of the Civil Procedure Code (for short 'CPC') is pending before the Sub-Divisional Officer, it would be expedient to direct Sub-Divisional Officer to decide the application under Order 9 Rule 13 of the CPC before proceeding

further expeditiously as early as possible preferably within a period of 30 days from the date of receipt and/or production of certified copy of this order.

4. With the aforesaid observation, writ petition is finally disposed of. It is made clear that this Court has not expressed any opinion on the merit of the case.

Sd/-

(Sanjay K. Agrawal)
JUDGE

Tiwari