

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 375 of 2015

Smt. Jamuna Devi W/o Inder Singh Verma Aged About 72 Years R/o Sharma Colony, Kotara Road, Raigarh, P.S. City Kotwali Raigarh Civil And Revenue District Raigarh Chhattisgarh

---- Petitioner

Versus

1. V. D. Bopche Executive Engineer, Public Works Department, Raigarh District Raigarh Chhattisgarh
2. Raghavendra Maraskole District Registrar, Raigarh, District Raigarh Chhattisgarh

---- Respondents

Shri Raghvendra Pradhan, counsel for the petitioner/s.
Shri Dhiraj Kumar Wankhede, counsel for the respondents.
Respondents are also present in the Court.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/12/2015

The submission of learned counsel for the respondents is that though the respondents proceeded to take appropriate steps towards compliance of the order dated 12/09/2014 by issuing notice to the vendor – Fuleshwari, despite service of notice, she has not appeared. Therefore, they are unable to proceed further in the matter.

2. Learned counsel for the parties do not dispute that in a situation like this, when correction in the sale deed cannot be done due to non-appearance of Fuleshwari, proper course of action required to be adopted by respondent No.1 would be to apply to the Civil Court for appropriate rectification / correction of the sale deed under Section 39 of the Specific Relief Act.

3. In view of above submission and the circumstances of the above case, I am not inclined to proceed further in the matter. Rule is discharged. However, respondent No.1 shall take immediate and expeditious steps to seek correction

and rectification of the sale deed executed between PWD and Fuleshwari by filing an application / suit before the Court of competent jurisdiction under Section 39 of the Specific Relief Act.

4. Presence of the respondents is dispensed with. Contempt petition is closed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Deepti