

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 179 of 2016

1. Ramnarayan S/o Late Shri Sukhram, Aged About 53 Years Caste Teli, R/o Ghorda, Tehsil Bhanupratappur, District North Baster Kanker, (Chhattisgarh)
2. Rukhmani Bai, W/o Shri Ramnarayan, Aged About 49 Years Caste Teli, R/o Ghorda, Tehsil Bhanupratappur, District North Baster Kanker, (Chhattisgarh)

---- Petitioners

Versus

1. Vishalram S/o Late Shri Sukhram, Aged About 62 Years Caste Teli, R/o Village Ghorda, Tehsil Bhanupratappur, District North Baster Kanker, (Chhattisgarh)
2. Khileshwari @ Ahilyabai @ Likeshwari Bai, W/o Shri Vishalram, Aged About 58 Years Caste Teli, R/o Village Ghorda, Tehsil Bhanupratappur, District North Kanker, (Chhattisgarh)
3. Bimla Bai, W/o Bishalram, Aged About 55 Years Caste Teli, R/o Village Ghorda, Tehsil Bhanupratappur, District North Baster Kanker, (Chhattisgarh)
4. The State Of Chhattisgarh, Through: Collector, North Baster, District Kanker, (Chhattisgarh)

---- Respondents

For Petitioners	:	Shri P.P.Sahu, Advocate
For Respondent No.4/State	:	Shri S.C. Khakharia, Dy. Advocate
		General on advance copy

Other respondents not noticed.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

16/03/2016

1. Heard.
2. Issue notice.
3. Shri Khakharia accepts notice on behalf of the State.
4. At the out set, learned counsel for the petitioners submits that they may be given liberty to file a detail application under the provisions of Order

7 Rule 14 (3) of the Code of Civil Procedure, 1908 (for short the C.P.C.) and the same may be disposed of in accordance with law after hearing the parties. Further prayed that the cost imposed on the plaintiff vide impugned order dated 10.2.2016 may be quashed as the plaintiff/ petitioner not delayed the trial and he had an opportunity to file application and the Court below is required to dispose of the same on its merits and as no delay is caused on account of filing of such application, the imposition of cost is without any foundation for the same. The instant matter may be disposed of without hearing the other respondents.

5. In view of the above submission, the matter is heard on admission without noticing respondents 1 to 3.

6. On due consideration, the order passed by the Court below dated 10.2.2016 is hereby quashed. The plaintiff/petitioner is granted liberty to file an application without delay afresh under Order 7 Rule 14 (3) of the C.P.C. along with detailed facts and the prayer. The Court below is directed that after affording an opportunity of hearing both the parties, dispose of the same in accordance with law without being influenced with the impugned order dated 10.2.2016.

7. With the above observation, the instant Writ Petition (227) is disposed of.

8. Certified copy as per rules. The petitioner may file copy of this order before the Court below for compliance.

9. Registrar (Judicial) is also directed to transmit the copy of the order to the Court below through usual and fax mode.

Sd/

(Chandra Bhushan Bajpai)
Judge

