

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (227) No.387 of 2016

1. Chandra Kishore Agrawal, age 56 years,
2. Nawal Kishore Agrawal, age 54 years,
3. Brij Kishore Agrawal, age 52 years,
4. Anand Kishore Agrawal, age 50 years,

All S/o Late Shri Ram Dwarika Lal Agrawal, Resident of Lohar Chowk, Purani Basti, Raipur, Tahsil and District Raipur, Civil and Revenue District Raipur, Chhattisgarh

--- Petitioners

Versus

Municipal Corporation Raipur, Chhattisgarh, through the Commissioner, Municipal Corporation, Raipur, Head Office Malviya Road, Near Jaistambh Chowk, Raipur, Tahsil and District Raipur, Chhattisgarh

---- Respondent

For Petitioners	:	Mr.Rajesh Kumar Tiwari, Advocate
For Respondent	:	Mrs. Itu Ranu Mukharjee, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

03/11/2016

1. In a suit filed by the petitioners/plaintiffs against the Municipal Corporation, Raipur, on service of summon, Officer In-charge has filed the written statement on behalf of the Municipal Corporation, Raipur, which was objected by the petitioners/plaintiffs by filing an application under Order 6 Rule 14 and 15 of the CPC stating that written statement has to be filed only by an officer duly authorized by the Commissioner. That application was rejected by the trial Court.

2. Feeling aggrieved against that order, this writ petition has been filed.

3. I have heard learned counsel for the petitioners/plaintiffs.

4. Order 29 Rule 1 of the CPC clearly provides that in a suit by or against a corporation, any pleading may be signed and verified on behalf of the corporation by the secretary or by any director or other principal officer of the corporation who is able to depose to the facts of the case.

5. In the present case, Shri G.S. Khratriya on duly authorized by the Corporation has filed written statement on behalf of Municipal Corporation, Raipur.

6. I do not find any jurisdictional error in the order impugned. Consequently, the writ petition being without substance is liable to be and is hereby dismissed. No order as to cost(s).

Sd/-

(Sanjay K Agrawal)
Judge

B/-