

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (227) No. 5 of 2016

1. Chief Manager and Authorised Officer (Punjab National Bank) Secured Circle Office (Chhattisgarh), Medical College Road, Raipur (Chhattisgarh).
2. Branch Manager, Punjab National Bank, Branch Seoni (Champa) Tahsil Champa, District Janjgir Champa (Chhattisgarh).....(Defendant No. 1&2 In The Trial Suit)

---- Petitioners

Versus

1. Sanjay Kumar Kaser S/o Late Abhimanyu Lal Aged About 45 Years R/o Chandania Para, Janjgir, District Janjgir Champa, (Chhattisgarh).
2. Smt. Shakuntala Devi Wd/o Late Abhimanyu Lal Aged About 65 Years R/o Chandania Para, Janjgir, District Janjgir Champa (Chhattisgarh).
3. Smt. Anju Kaser D/o Late Abhimanyu Lal Kaser, Aged About 40 Years R/o Village Gariyaband, Tahsil & Thana Gariyaband, District Raipur (Chhattisgarh).
4. Smt. Manju Kaser Aged About 35 Years R/o Shankar Nagar, Durg, Tahsil & Thana Durg, District Durg (Chhattisgarh).
5. Smt. Ranju Kaser D/o Late Abhimanyu Lal Kaser, Aged About 32 Years R/o Village Mandlor, Tahsil & Thana Nayapara (Rajim), District Raipur (Chhattisgarh).
6. Badri Prasad Kaser S/o Late Nakul Prasad Aged About 48 Years Caste Kaser, R/o Old College Road, Champa, Tahsil Champa, District Janjgir Champa (Chhattisgarh).

---- Respondents

For Petitioners	Shri Sachin Singh Rajput, Advocate.
For Respondent No.1	Shri Ravindra Agrawal, Advocate.
For Respondent No.2 to 5	None
For Respondent No.6	Shri Sudeep Verma, Advocate.

Hon'ble Shri Justice P.Sam Koshy

Order On Board

12/05/2016

1. Learned counsel appearing for the parties make submission that pending the writ petition, original suit itself i.e. Civil Suit No. 24-A/2015 has been finally adjudicated upon on 30.03.2016 holding that the suit and the counter claim filed by the

respondent No.6 is not maintainable. It is further submitted that in the light of suit itself having been finally adjudicated, the order under challenge in the present writ petition i.e. order dated 23.12.2015 automatically gets merged with the order dated 30.03.2016, and as such, no further adjudication is required in the present writ petition determining the veracity of the order dated 23.12.2015. Accordingly, the writ petition at this juncture has become infructuous.

2. Learned counsel appearing for the petitioners submits that subsequent to rejection of the Civil Suit, the respondent No.6 has again preferred a review petition before the court below which is pending consideration. He further submits that in case, for any reason, the review petition is entertained, then the impugned order under challenge in the present writ petition may also get revived, and therefore, the petitioner's interest may be protected to that extent for challenging the same by filing a fresh petition.
3. It is ordered accordingly.
4. With the aforesaid liberty, the writ petition stands finally disposed of. No order as to costs.

Sd/-

(P.Sam Koshy)

JUDGE