

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 271 of 2016**

1. M/s Sadharam Gupta Partnership Firm, R/o 145 New Civic Center, Bhilai, Tahsil & District Durg, Chhattisgarh
2. Ratan Lal, S/o Shri Sadharam Gupta, Aged About 60 Years R/o 145 New Civic Centre, Bhilai, Tahsil & District Durg Chhattisgarh
3. Ved Prakash, S/o Shri Sadharam Gupta, Aged About 51 Years R/o 145 New Civic Centre, Bhilai, Tahsil & District Durg Chhattisgarh
4. Smt. Manju, W/o Vishnu Datt. Aged About 50 Years R/o 145 New Civic Centre, Bhilai, Tahsil & District Durg Chhattisgarh
5. Smt. Rashmi, W/o Rajkumar Aged About 36 Years R/o 145 New Civic Centre, Bhilai, Tahsil & District Durg Chhattisgarh

---- Petitioners

Versus

Central Public Works Department Raipur, Central Board Raipur Tahsil & District Raipur Chhattisgarh, Branch Of Central Public Construction Department Raipur Chhattisgarh

---- Respondent

For Petitioners:
For Respondent

Mr. Anoop Majumdar, Advocate
Mr. N.K. Vyas, Asstt. Solicitor General

Hon'ble Shri Justice P. Sam Koshy**Order on Board****21.04.2016**

1. The challenge through the present Writ Petition is to the order Dated 19.02.2016 passed by the 8th Additional District Judge, District Durg in Civil Suit No. 16B/2013 whereby the rights of the Petitioners who are defendants before the Court below has been closed so far as filing of the written statement is concerned.
2. Learned Counsel for the Petitioners submits that if the Petitioners are

granted one opportunity to file written statement by this Court, they would be able to defend their case more effectively.

3. Learned Counsel for the Respondent however opposes the claim of the Petitioners on the ground that they had been granted sufficient opportunities.

4. Taking into consideration the total facts and circumstances of the case, particularly considering that the plaintiff is a Government agency, it would be appropriate if present Petitioners are granted another opportunity to file written statement so that they can contest the case more effectively and substantiate the factual matrix of case better before the Court below. It will also facilitate in the decision making by the Court below.

5. Accordingly, it is directed that the Petitioners shall file their written statement positively on the next date of hearing fixed by the Court below i.e. 04.05.2016. If the Petitioners submit the written statement on or before the next date of hearing the same shall be accepted by the Court below and shall proceed further in accordance with law or else the Court below shall proceed with the case for which it is otherwise fixed.

6. With the aforesaid observation the Petition is allowed and disposed.

Sd/-
(P. Sam Koshy)
JUDGE