

HIGH COURT OF CHHATTISGARH, BILASPUR

Civil Revision No.103 of 2016

1. Jasmuddin, son of late Nanhu Miyan, aged about 50 years.
2. Smt. Nurjahan, wife of Shri Jasmuddin, aged about 45 years.

Both are resident of Kanakpur, Police Station & Tahsil Ramanujganj, District Balrampur-Ramanujganj (CG).

----Applicants

Versus

1. Kushwant Singh, son of Shri Philip Denial, aged about 50 years, resident of Nimdha, Tahsil Pendra, District Bilaspur, at present resident of Ramanujganj, District Balrampur-Ramanujganj (CG).
2. State of Chhattisgarh, through the Collector, District Balrampur-Ramanujganj (CG).

----Non-applicants

For Applicants	:	Shri Rahul K. Mishra, Advocate.
For Non-applicants	:	Shri Neeraj Jain, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

27/07/2016

(1) Heard on I.A.No.01, application for condonation of delay in filing the revision.

(2) On due consideration, I am satisfied that the applicants have succeeded in explaining the cause of delay in filing the revision and, therefore, I.A. No.01 is allowed. Delay in filing the revision is hereby condoned.

(3) The applicants/plaintiffs' opportunity to lead evidence was

closed on 17.07.2015 and thereafter, applicants/plaintiffs filed an application under Order 23 Rule 1(3) of CPC for withdrawal of civil suit with liberty to file afresh which has been rejected by the trial Court vide order dated 12.04.2016 holding that there is no formal defect in the plaint and therefore, no permission can be granted to withdraw the civil suit and file afresh. Against which, this revision has been preferred by the applicants/plaintiffs herein.

(4) After hearing learned counsel appearing for the applicants/plaintiffs and taking into consideration the applicants/plaintiffs' application for withdrawal of the civil suit came to be filed after due opportunity of hearing to lead evidence was closed on 17.07.2015 and the application under Order 23 Rule 1(3) of CPC was filed on 26.08.2015, I do not find any jurisdictional error in the impugned order warranting interference by this Court.

(5) Accordingly, the civil revision being devoid of substance is liable to be and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-

