

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP (227) No. 355 of 2016

1. Kalipad Das S/o Rasraj Das, Aged About 40 Years
2. Nandu Das, S/o Shri Rasraj Das, Aged About 37 Years
Both R/o East Boregaon, Tah. & Distt. Kondagaon, (Chhattisgarh)
----- Petitioners

Versus

1. State Of Chhattisgarh Through Collector Bastar, District Bastar, (Chhattisgarh)
2. Sub Divisional Officer (Rev.), Kondagaon, Tah. & Distt. Kondagaon, (Chhattisgarh)
3. Nayab Tahsildar, Farasgaon, Shri N. K. Soni, O/o Nayab Tahsildar, Farasgaon, Tah. & Distt. Kondagaon, (Chhattisgarh)
4. Akhil Chandra Devnath, S/o Asam Devnath,
5. Prakash Devnath, S/o Akhil Chandra Devnath,
Res.No.4 & 5 R/o West Boregaon, Tah. & Distt. Kondagaon, (Chhattisgarh)
----- Respondents

For Petitioners	: Mr.Keshav Dewangan, Advocate
For State	: Mr.Avinash Singh, P.L.
For Res.No.4	: Mr.Alok Dewangan, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

30/11/2016

1. By the order impugned, the trial Court has dismissed the suit under Order 9 Rule 2 of the CPC in consequence of failure of the plaintiffs to pay process fees. Against which, this writ petition under Article 227 of the Constitution of India has been filed.
2. Learned counsel for respondent No.4 would submit that the petitioners have a remedy of filing the restoration application under Order 9 Rule 4 of the CPC.
3. In view of the above, learned counsel for the petitioners would

submit that the petitioners may be allowed to prefer an application for restoration of suit under Order 9 Rule 4 of the CPC.

4. Prayer appears to be fair and reasonable.
 5. If such an application is filed, the trial Court shall consider the said application expeditiously.
 6. With the aforesaid observation, the writ petition stands disposed of.
- Certified copy of the order impugned be returned to counsel for the petitioners after furnishing attested photocopy of the same. No order as to costs(s).

Sd/-

(Sanjay K Agrawal)
Judge

B/-