HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCC No. 336 of 2017

Manoj Kumar Baghel **Versus** State of Chhattisgarh and others

02.05.2017	Shri Dhirendra Pandey, counsel for the applicant. Shri B. Gopa Kumar, Dy. Advocate General for the State. This application is filed seeking to vacate the decision taken on default thereby dismissing appeal on merits as well. Even the cause title of the judgment rendered on 27.03.2017 in Writ Appeal No. 210/2013 shows that none had appeared for the appellant. Though the factual aspects touching the merits of the case were refuted and considered by the Bench while rendering that judgment, the fact of the matter remains that the appellant was not heard. Therefore, it is essentially decision on default and not after affording opportunity of hearing to the writ appellant. In this view of the matter, we accept the grounds raised in this application and hold that the judgment rendered on 27.03.2017 can be recalled and Writ Appeal no. 210/2013 can be restored to file and list for hearing. In the result, the MCC is allowed thereby restoring Writ Appeal no. 210/2013 to file. As a consequence, the judgment rendered on 27.03.2017 in that writ appeal will not bind parties. After restoration, list the writ appeal for consideration on 05.05.2017. **Sd/-** **Sd/-** **(Thottathil B. Radhakrishnan)** **(P. Sam Koshy)** **CHIEF JUSTICE** **JUDGE**	
Bhola		