

HIGH COURT OF CHHATTISGARH, BILASPUR
WP227 No.669 of 2017

Shabbir Hussain S/o Abdul Rahman, aged about 62 years, R/o Khaparganj Madrasa Irfhaniya Ke Baju, Bilaspur, Tahsil and District Bilaspur (CG)

---- Petitioner

Versus

Abdul Hanif S/o Abdul Majid, aged about 65 years, R/o. Khaparganj Madrasa Irfhaniya Ke Baju, Peti Karkhana, Bilaspur, Tahsil and District Bilaspur (CG)

---- Respondents

For Petitioner	:	Shabbir Hussain-in-person
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Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

21/09/2017

Heard.

1. The petitioner's suit was dismissed for non-compliance of the Court's order, against which, he preferred writ petition being WP227 No.260 of 2017. That writ petition was disposed of by order dated 4.5.2017 and liberty was granted to the petitioner to make an application for restoration of the civil suit before the trial Court, but he has filed an application under Order 47 Rule 1 and 2 read with Section 114 and 151 of the Code of Civil Procedure, which has been rejected by the 5th Additional District Judge, Bilaspur finding no ground to review the order, against which, this writ petition has been filed by the petitioner herein.

2. The petitioner could have filed an application for restoration of his

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suit under Order 9 Rule 9 of the CPC, which he has admittedly not filed.

3. The petitioner is at liberty to file an application for restoration of the civil suit before the trial Court within 15 days from today. If such an application is filed by the petitioner within the stipulated time, the trial Court shall consider and decide the same on its own merit.
4. With the aforesaid observation, the writ petition finally stands disposed of. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-