

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 781 of 2017**

Rambharosh Jaiswal, aged about 57 years, S/o Gopi Prasad Jaiswal, Cycle Shopkeeper, Resident of Bajrang Chowk, Baloda Bazar, Tahsil – Baloda Bazar, District – Baloda Bazar – Bhatapara (C.G.) ... Plaintiff

---- Petitioner**Versus**

Ganesh Jaiswal, aged about 48 years, S/o Gopi Prasad Jaiswal, Resident of Bajrang Chowk, Baloda Bazar, Tahsil – Baloda Bazar, District – Baloda Bazar – Bhatapara (C.G.) Defendant

---- Respondent

For Petitioner: Mr. Sunil Tripathi, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****22/11/2017**

(1) Learned counsel appearing for the petitioner would submit that learned trial Court has rejected the application under Order 7 Rule 14 of the Code of Civil Procedure (henceforth 'CPC') filed by the petitioner for taking documents on record and imposed cost of Rs.10,000/- on the ground that the petitioner is delaying the court proceedings whereas from 1.9.2009 to 7.9.2017 proceedings of the suit remain stayed on account of stay order passed by the trial Court on 1.9.2009 and, therefore, order impugned imposing cost of ₹ 10,000/- is unsustainable and bad in law.

(2) None appeared on behalf of the respondents, though served.

(3) I have heard learned counsel appearing for the petitioner and perused the impugned order with utmost circumspection.

(4) Taking into consideration the submission of learned counsel for the

petitioner; and the fact that the documents in question are absolutely necessary for just and proper disposal of the writ petition, the application under Order 7 Rule 14 of the CPC is allowed subject to payment of cost of Rs.1,000/- ; and the cost amount imposed upon the petitioner, in the opinion of this Court, is also excessive, therefore, impugned order is set aside. Remaining amount of Rs.9,000/- be refunded to the petitioner.

(5) Accordingly, the writ petition is allowed to the extent indicated hereinabove.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-