

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (Art. 227) No.850 of 2017

(Arising out of order dated 6-10-2017 in Civil Appeal No.41-A/2011 of the learned 3rd Additional District Judge, Surajpur)

Chandan Ram, S/o Mandhari, aged about 68 years (now about 76 years), R/o Village Chandan Nagar, P.S. & Tahsil Premnagar, District Sarguja (now Surajpur) (C.G.)

(Plaintiff)
(Appellant)
---- Petitioner

Versus

1. Umashankar, S/o Laxman Sahu, aged about 40 years,

2. Laxman, S/o Shiwdhari, aged about 62 years,

Both are residents of Village Pondi, P.S. & Tahsil Ramanujnagar, District Sarguja (now Surajpur) (C.G.)

3. Satyanarayan, S/o Mandhari, aged about 65 years,

4. Pannalal, S/o Late Bhagirathi, aged about 47 years,

5. Vijay, S/o Tejilal, aged about 31 years,

6. Ramprasad, S/o Tejilal, aged about 28 years,

7. Basant, S/o Tejilal, aged about 27 years,

8. Bechani, W/o Bhagirathi, aged about 72 years,

9. Chanda Devi, W/o Tejilal, aged about 44 years,

Respondents No.3 to 9 are residents of Village Chandan Nagar, P.S. & Tahsil Premnagar, District Sarguja (now Surajpur) (C.G.)

10. State of Chhattisgarh, Through Collector Sarguja (now Surajpur), District Sarguja (now Surajpur) (C.G.)

---- Respondents

For Petitioner: Mr. J.K. Shastri, Advocate.

For Respondent No.10 / State: -

Mr. Arun Sao, Deputy Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

05/12/2017

1. Learned counsel for the petitioner, while referring to the order impugned, would submit that original case file of Civil Appeal No.41-A/2011 was missing / got lost and therefore the learned Additional District Judge has sent the case to the record room till the record is received. He would further submit that parties on the other side are not cooperating for reconstruction of record.
2. In this regard, perusal of the order sheet shows that case was pending for original record. According to the learned Additional District Judge, original record has been lost and the matter has been sent to the record room. As per the circular existing in this regard dated 1st March, 1996 issued by the M.P. High Court, the Additional District Judge is directed to reconstruct the file in exercise of inherent power after notice to the parties. Therefore, the impugned order passed by the learned Additional District Judge is set aside and the learned Additional District Judge is directed to reconstruct the record in exercise of inherent power and if the parties are already appearing, the respective parties may be heard before reconstruction and in such case, no further notice would be required.
3. The writ petition stands finally disposed of. No order as to cost(s).
4. A copy of the circular dated 1st March, 1996 issued by the M.P. High Court be sent by the Registry of this Court to the learned Additional District Judge for needful and necessary action.

Sd/-
(Sanjay K. Agrawal)
Judge