

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
Writ Petition (227) No. 464 of 2015

Dhruv Kumar Kachhwaha S/o Shri Vyapari Lal Kachhwaha, Aged About 55 Years
 R/o Indra Nagar, P.S. Raigarh, Tahsil And District Raigarh Chhattisgarh

---- Petitioner

Versus

Kamarjit Singh @ Raja S/o Manjit Singh Tuteja Aged About 26 Years R/o
 Darogapara, P.S. Raigarh Tahsil And District Raigarh Chhattisgarh

---- Respondent

For Petitioner : Shri Mateen Siddiqui, Advocate.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice

Order on Board

04/12/2017

1. I have heard the learned counsel for the Petitioner. The Respondent though served, does not appear.
2. The Petitioner is the Plaintiff in a suit instituted on 25.11.2013. Going by the pleadings of the Plaintiff as discernible from the impugned judgment, it is a suit for eviction from a building. The suit was dismissed notwithstanding that the Defendant did not appear. The plea of the Plaintiff/Petitioner is that the Chhattisgarh Rent Control Act, 2011 applies and therefore, the Court below could not entertain the suit and hence, the same ought to have been permitted to be withdrawn for presentation before the competent authority under the Rent Control Act, 2011. Taking this submission into consideration and noticing that there is no objection from the Respondent in that regard, this writ petition is ordered vacating the impugned judgment and directing that the Court below will consider Civil Suit NO.52-A of 2013 and pass appropriate order on the request of the Petitioner for withdrawal of the suit proceedings without prejudice to the provisions of the Chhattisgarh Rent Control Act, 2011.
3. The writ petition is ordered accordingly.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE