

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 335 of 2017

- Rohin Shukla S/o. Shri Ravishankar Shukla, Aged About 35 Years
R/o. A- 14, Amrapali Sahakari Grih Nirman Samiti Lalpur Road
Behind Colour Mall Raipur, Post & Tehsil Raipur, P. S. New
Rajendra Nagar, District Raipur (Chhattisgarh)

---- Petitioner

Versus

1. Ruchir Shukla S/o. Shri Ravishankar Shukla, Aged About 33 Years
R/o. Century Cement Colony B/22, Dindayal Upadhyay Nagar,
Behind Ravishankar Shukla University Raipur, Bhilai Road, Post &
Tehsil Raipur, Civil & Revenue District Raipur (Chhattisgarh)
Business Address- Vishnu Kalewa Restaurant, Pachpedi Naka, In
Front Of Station House Lalpur Road, Pachpedi Naka Raipur, Civil
& Revenue District Raipur (Chhattisgarh)
2. State Of Chhattisgarh, Through Collector Raipur, Revenue & Civil
District Raipur (Chhattisgarh)

---- Respondents

For Petitioner – Shri Surfaraj Khan, Advocate.

For State/Respondent 2 – Shri Neeraj Jain, Govt. Advocate on advance
copy

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order

03/5/2017

1. Heard.
2. Issue notice.
3. Shri Neeraj Sharma accepts notice for respondent 2.
4. With this, the petitioner is not required to pay PF for issuance of
notice to respondent 2.
5. Learned counsel for the petitioner would submit that looking to the
prayer in the instant WP (227), the matter may be disposed of even
without notice to respondent No.1 at the motion stage itself.
6. On due consideration, the matter heard finally at the motion stage
itself.
7. Facts in brief are that Civil Suit No. 26A/2016 (Rohin Shukla Vs.
Ruchir Shukla & Anr.) is presently pending before the 12th Civil Judge,

Class II, Raipur (CG). The petitioner/plaintiff had filed an application I.A.No.2/2016 under Order 8 Rule 10 read with Section 151 of the CPC. The said application is not yet disposed of on its merits though as per order sheet dated 21.3.2017 and in continuation order sheet dated 24.3.2017, 11.4.2017 and 19.4.2017 prima facie it appears that the trial Court had heard the arguments also on I.A.No.2/2016 on 19.4.2017 and fixed the matter for orders on 8.5.2017.

8. By filing the instant WP (227) the core prayer of the petitioner/plaintiff is that the court below be directed to dispose of the said interim application on its merits as early as possible as the said application is pending before the trial Court for about more than 10 months.

9. On due consideration, though it appears that the court below had fixed the date for orders also on IA No.2/2016 for 8th May, 2017. If the order is passed on 8.5.2017, the prayer of the petitioner/plaintiff will be disposed of as per provisions of law, if not then under the authority granted to this Court under Article 227 of the Constitution of India. The present WP is hereby allowed and the court below is directed to dispose of IA No.2/2016 under Order 8 Rule 10 CPC till 19th May, 2017 on presentation of copy of the order by the parties within three days.

10. Parties shall cooperate in the matter.

11. Registrar (Judicial) is directed to send the copy of the order to the court below by usual and fax mode immediately.

12. The instant Writ Petition (227) is disposed of.

13. No order as to cost.

14. Certified copy today.

Sd/-

(Chandra Bhushan Bajpai)
Judge