

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (227) No. 677 of 2013**

Harvinder Singh, S/o Balwant Singh, aged about 43 years,
by caste Sikh, Occupation – Business, R/o Pathalgaon,
Ward No.11 Bazar, P.S.- Pathalgaon, Civil & Revenue
District Jashpur (C.G.) Defendant No. 2

---- Petitioner**Versus**

1. Mohammad Salim, S/o Mahammad Yusuf, aged about 75 years, by caste- Musalman, Occupation Agriculturist, R/o Village – Pakargaon, Tahsil & Thana – Pathalgaon, Civil & Revenue District Jashpur (C.G.) at present resident of Village Sothi, P.S. & Tahsil Sakti, Civil & Revenue Distt. Janjgir-Champa (C.G.) Plaintiff
2. Mohammad Naim Khan, S/o Mohammad Salim, aged about 34 years, Occupation – Business, R/o Village Sothi, P.S. & Tahsil Sakti, Civil & Revenue Distt. Janjgir-Champa (C.G.)
3. State of Chhattisgarh, through the Collector, Jashpur, District Jashpur (C.G.)

---- Respondents

For Petitioner : Mr. Awadh Tripathi, Advocate.
For Respondents No. 1 & 2 : None
For Respondent No. 3/State: Mr. S. Majid Ali, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****29/06/2017**

(1) Learned counsel appearing for the petitioner would submit that on first appearance in the suit, he filed an application for rejection of plaint; that has been rejected and straightway the trial Court has fixed the case for framing issues and, as such, he is entitled to file his written statement.

(2) After hearing learned counsel appearing for the petitioner, this Court is of the opinion that the petitioner/defendant is entitled to file his written statement in the facts of the case subject to payment of cost of ₹ 2,000/- to the plaintiff and, therefore, the order impugned is liable to be set aside.

(3) Accordingly, the writ petition is allowed. Order impugned is set aside. However, the petitioner shall file his written statement before the trial Court within a period of 15 days from the date of receipt of certified copy of this order and, thereafter, the trial Court shall proceed with the trial in accordance with law expeditiously.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-