

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 343 of 2017**

Smt. Geeta Nayak W/o Narayan Nayak Aged About 59 Years R/o House No.: F/3, Housing Board Colony, Raipur Naka, Durg, Police Station : Mohan Nagar, Durg, District Durg, Chhattisgarh.

---- Petitioner**Versus**

1. E. P. Shastri S/o Shri E. S. S. Shastri Aged About 53 Years R/o 43/5, Nehru Nagar, (West) Police Station Bhilai, District Durg, Chhattisgarh.
2. Smt. E Shashi W/o E P Shastri Aged About 48 Years R/o 43/5, Nehru Nagar, (West) Police Station Bhilai District Durg, Chhattisgarh.
3. E V Chaitanya S/o E. P. Shastri Aged About 24 Years R/o 43/5, Nehru Nagar, (West) Police Station Bhilai District Durg, Chhattisgarh.
4. State Of Chhattisgarh Through District Magistrate, District Office Durg, Chhattisgarh.

---- Respondents

For the Petitioner	: Shri N. Naha Roy, Advocate.
For Respondents No.1 to 3	: Ms. Kiran Singh, Advocate.
For Respondent No.4/ State	: Shri Anil S. Pandey, Government Advocate.
For Intervener	: Shri J.N. Nande, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****10.10.2017**

1. Heard.
2. Learned counsel for the petitioner submits that this petition has been brought challenging the order passed by the Fourth Additional Sessions Judge, Durg in Criminal Revision No. 39 of 2013, by which the order passed by the Sub-Divisional Magistrate, Bhilai Nagar, District Durg in Criminal Case No. 374 of 2007 dated 3.12.2012 was set aside.
3. It is submitted by counsel for the petitioner that the intervener in this case – Smt. Aanjana Sahabani is in the factual possession of the disputed shop. She has moved an application before the Sub-Divisional Magistrate to

entertain her as a party in the proceedings which is under challenge in this petition, as she was not a party earlier before that Court. It is prayed that the case may be remanded back to the Court of Sub-Divisional Magistrate to decide the matter afresh after giving opportunity to both the parties and the intervener.

4. Learned counsel for the intervener has no objection to the submissions made by the petitioner.

5. Learned counsel for respondents No.1 to 3 also submits that she has no objection if the case is remanded back.

6. Considering the submissions made by counsel for the petitioner which is unopposed by the respondents and the intervener, the prayer as made is allowed and the order passed by the Fourth Additional Sessions Judge, Durg is set aside.

7. This petition is disposed off with a direction to SDM, Bhilai Nagar to consider on the matter as directed by the Revisional Court and also to consider on the representation made by the intervener – Smt. Aanjana Sahabani by impleading her as a party and decide the case in accordance with law.

8. In view of above, this petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge