

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRMP No. 178 of 2018

Chaitanya Patel S/o Late Shri Siyaram Patel Aged About 59 Years Government Teacher R/o
Village Temar, P. S. Sakti, District Janjgir Champa Chhattisgarh ---- **Petitioner**

Versus

State Of Chhattisgarh Through P. S. Sakti, District Janjgir Champa Chhattisgarh

---Respondent

05/02/2018	Shri Ritesh Verma, counsel for the petitioner. Shri Bhaskar Payashi, PL for the State. Heard. Instant petition is filed to recall the order dated 13/11/2017 wherein Cr.M.P. No.742/2016 was dismissed for the reason not removing the default. Learned counsel for the petitioner submits that in the facts of the case default was at the instance of the State as document reply which was filed by the State affidavit was not verified and this fact came to the knowledge after original file was inspected. Record is seen. It appears that State counsel has filed the reply on 5/10/2016 whereby alongwith the reply affidavit was filed which was not verified which was the default. In view of this, fact that default was not removed was not at the instance of the petitioner but it was at the end of the State. Consequently, instant petition is allowed and order dated 13/11/2017 is recalled. Cr.M.P. No.742/2016 is restored to its original number. Learned State counsel is directed to remove the default within further period of two weeks. Sd/- (Goutam Bhaduri) JUDGE
gouri	

