

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (227) No. 867 of 2013**

1. Raj Kumar @ Raj Kumar Soni, aged about 35 years, So Murari Lal Soni, R/o Gandhi Chowk, Baloda Bazar, Occupation – Jewelers, District Baloda Bazar (C.G.), (Now Civil and Revenue District Baloda Bazar)

---- Petitioner / Plaintiff**Versus**

1. Tilak Ram, aged about 22 years, S/o Udal Bande, R/o Village Bharuadhih, Tahsil and District – Baloda Bazar, District Baloda Bazar (C.G.) (Now Civil and Revenue District Baloda Bazar)

---Respondent/ Defendant

For Petitioner	:	Mr. Hemant Gupta, Advocate.
For Respondent	:	None, though served.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****05/09/18**

Heard.

1. This writ petition is directed against the order dated 17.09.2013 (Annexure – P/1) whereby the petitioner's applications under Order 16 Rule 1, under Order 7 Rule 14 and under Order 17 Rule 1 of C.P.C. has been rejected without considering the question on merits.
2. Learned counsel for the petitioner submits that the impugned order is unsustainable and bad in law and is liable to be set aside.
3. I have heard learned counsel for the petitioner.
4. The trial Court has not assigned any reasons for not considering the application on merits whereas it ought to have considered the application on merits.
5. Be that as it may, the matter is remitted to the trial Court to decide the petitioner's application afresh strictly in accordance with law, expeditiously,

preferably within a period of 30 days from the date of receipt of copy of this order.

6. With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge