

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 804 of 2013

1. Smt. Ganga Bai, W/o. Late Shri Faguwa Ram Dewangan, Aged About 50 Years.
2. Bhupendra Dewangan, S/o. Late Shri Faguwa Ram Dewangan, Aged About 28 Years.
3. Kamlesh Dewangan, S/o. Late Shri Faguwa Ram Dewangan.
4. Roop Kumar Dewangan, S/o. Late Shri Faguwa Ram Dewangan, Aged About 21 Years.
5. Hukum Chand Dewangan, S/o. Late Shri Faguwa Ram Dewangan, Aged About 19 Years.

All R/o. Ashwani Nagar, Opposite Laxmi Narayan School, Raipur, Thana & Post Purani Basti, Tahsil Raipur, Distt Raipur, Chhattisgarh

---- Petitioners

Versus

Smt. Bisahin Bai, W/o. Late Shri Dukha Dobhi, R/o. Opposite Laxmi Narayan School, Ashwani Nagar, Raipur, Distt. Raipur, Chhattisgarh.

---- Respondent

For Petitioners : Mr. Amrito Das with Mr. P. Acharya, Advocates

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11.04.2018

Heard

1. This petition is against the order dated 02.08.2013 whereby the application under Order 13 Rule 8 of C.P.C. moved by the petitioners has been rejected.
2. Perusal of the order would show that one agreement which was produced during the course of evidence was not allowed to be exhibited on the ground that it was not properly stamped. The order records that since the document itself is not on record, therefore, the document at that stage could not be impounded.
3. Learned counsel for the petitioners submits that the application to impound the said document was rejected. The impugned order dated 02.08.2013 do not reflects so. It is obvious that as and when

some document tendered in the evidence and objection is made about the maintainability and the fact that it is not adequately stamped, the same has to be decided and in this case it appears that the document itself is not before the Court and tendered during the evidence as per the order dated 02.08.2013.

4. Furthermore, the impugned order is dated 02.08.2013 and almost five years have passed. The counsel also is unable to explain as to whether the original civil suit is still pending before the Court or not. In view of this, the order dated 02.08.2013 do not require any interference by this Court in exercise of power under Article 227 of the Constitution of India.
5. Accordingly, the petition is dismissed.

Sd/-
(Goutam Bhaduri)
Judge