

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 89 of 2018**

M. A. Faheem S/o Late Shri M. A. Aleem Aged About 62 Years R/o
 Salhewarpara, Dhamtari District Dhamtari Chhattisgarh., District :
 Dhamtari, Chhattisgarh **--- Petitioner**

Versus

1. Union of India through The General Manager Eastern Railway Kolkata
 (W. B.), District : Kolkata, West Bengal
2. State of Chhattisgarh Through The Collector, Dhamtari District
 Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh
3. Station Officer / Station Master , Railway Station, Dhamtari , District
 Dhamtari Chhattisgarh. (Wrongly Mentioned As Station Officer
 Dhamtari Railway Department), District : Dhamtari, Chhattisgarh **--- Respondents**

For the applicant	:	Mr. Adil Minhaj, Advocate
For respondents 1 & 3	:	Mr. Abhishek Sinha, Advocate
For the State	:	Mrs. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****29.01.2018**

1. The instant petition is against the order dated 05.01.2018 whereby the application filed under Order 9 Rule 3 claiming ex-parte injunction has been dismissed by the trial Court.
2. Learned counsel for respondents 1 & 3 would submit that they have entered their appearance before the Court.
3. Perused the order. In the appellate court, applications were filed under order 39 rule 1 & 2 read with section 151 of the Code of Civil Procedure and under Order 39 Rule 3 CPC. The learned appellate court has refused to exercise its power under order 39 rule 3 of CPC and a perusal of the order would show that respondent Union of India 1 & 3 have already entered their appearance. Therefore, in view of this,

I do not find any jurisdictional error to entertain this petition in exercise of powers conferred under Article 227 of the Constitution of India. Accordingly, this petition is dismissed.

4. The trial Court is expected to decide the application under Order 39 Rule 1 & 2 CPC under the statutory mandate of limited period.

Sd/-
GOUTAM BHADURI
JUDGE

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