

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (Art. 227) No.277 of 2018

Puranlal, S/o Mangalram, aged about 35 years, caste Kahar, R/o Pawani, Post Pawani, Tahsil Bilaigarh, District Baloda Bazar-Bhatapara (C.G.)

---- Petitioner

Versus

1. Radheshyam, S/o Chheduram Sahu, caste Teli, aged about 58 years, R/o Pawani, Post Pawan, Tahsil Bilaigarh, District Baloda Bazar-Bhatapara (C.G.)
2. State of Chhattisgarh, through the Collector, Baloda Bazar, Baloda Bazar-Bhatapara (C.G.)

---- Respondents

For Petitioner:	Mr. S.K. Guha, Advocate.
For Respondent No.1:	None present, though served.
For Respondent No.2 / State: -	Mrs. Astha Shukla, Panel Lawyer, on advance copy.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

22/11/2018

1. By the impugned order, the petitioner's application under Order 9 Rule 4 of the CPC has been rejected against which this writ petition has been preferred.
2. The petitioner's suit was dismissed for want of prosecution on 24-6-2016. He filed an application under Order 9 Rule 4 of the CPC which has been rejected that no sufficient cause has been shown for non-appearance of the petitioner on 24-6-2016.
3. Learned counsel for the petitioner submits that earlier adjournment granted was on sufficient ground and on 24-6-2016, the petitioner could not appear, as he was not aware of the date of hearing.
4. None present for respondent No.1, though served.

5. I have heard learned counsel for the petitioner.
6. In the considered opinion of this Court, sufficient cause has been shown by the petitioner for not appearing when the case was called on 24-6-2016 and the dates earlier granted could not be taken as a ground for rejection of application, as the earlier adjournment is based on sufficient reasons. The civil suit is restored to its original number subject to payment of cost of ₹ 1,000/- to defendant No.1 on his appearance. The trial Court to decide the suit in accordance with law.
7. The writ petition is allowed to the extent indicated herein-above.
8. A copy of this order be sent to the trial Court by E-mail / fax.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma