

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 14 of 2018

(Arising out of the order dated 16.10.2017 passed by the court of First Additional District Judge, Janjgir- Champa in Misc. Civil Appeal No. 11/2016)

1. Radhelal S/o Shri Tatiyaram Sahu Aged About 70 Years R/o Village Bilari, Tahsil Pamgarh, District Janjgir Champa Chhattisgarh.....Defendant No. 1, Chhattisgarh
2. Dayaram S/o Shri Sudarshan Sahu Aged About 75 Years R/o Village Dewari Tahsil Pamgarh, District Janjgir Champa Chhattisgarh.....Defendant No. 2, District : Janjgir-Champa, Chhattisgarh
---- **Petitioners**

Versus

1. Omprakash S/o Shri Ganpat Rai Sultaniya Aged About 80 Years R/o Vill. Mahantpara- Shivrinarayan Tahsil Nawagarh, District- Janjgir Champa Chhattisgarh.....Plaintiff, Chhattisgarh
2. Chandraprakash S/o Shri Shankar Prasad Tiwari Aged About 70 Years R/o Vill. Mahantpara- Shivrinarayan Tahsil Nawagarh, District Janjgir Champa Chhattisgarh.....Defendant No. 3, District : Janjgir-Champa, Chhattisgarh
3. State of Chhattisgarh Through Collector Distt. Janjgir Champa Chhattisgarh.....Defendant No. 4, District : Janjgir-Champa, Chhattisgarh
---- **Respondent**

For the petitioners	:	Mr. Ajay Kumar Dwivedi, Advocate
For the State	:	Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.01.2018

1. This petition is against the order dated 16.10.2017 passed by the court of First Additional District Judge, Janjgir- Champa in Misc. Civil Appeal No. 11/2016 whereby the application filed under Order 9 rule 13 of the Code of Civil Procedure for setting aside the ex-parte order was rejected.

2. Under order 43 rules 1 (d) of CPC, appeal lies against the order rejecting the application under Order 9 Rule 13 of CPC. In that view of the matter, the petition is misconceived and it is dismissed.
3. The petitioners shall have liberty to avail the remedy as available under the law.
4. The certified copy of the impugned order filed in this petition be returned to the learned counsel for the petitioner after retaining the photocopy of the same.

**Sd/-
GOUTAM BHADURI
JUDGE**