

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 309 of 2018**

1. Savitri Devi W/o Ramlal Agrawal, Aged About 75 Years Occupation Business, At Present House Wife, R/o Dabhra Road, Kharsia, Tahsil - Kharsia, District Raigarh Chhattisgarh. (Defendant No. 1)

---- Petitioner**Versus**

1. Basant Kumar S/o Salikram, Aged About 57 Years Occupation Agriculturist
2. Bijay Kumar, S/o Salikram Aged About 55 Years Occupation Agriculturist
3. Rupendra Kumar S/o Salikram, Aged About 45 Years Occupation Agriculturist And Legal Business,

All of by Caste - Kalar, R/o Village Post, Sarwani, Tahsil - Kharsia, District Raigarh Chhattisgarh (plaintiffs)

4. Shantkumar Jaysawal, S/o Salikram, Aged About 60 Years Occupation - Agriculturist By Caste - Kalar, R/o Village Post - Sarwani, Tahsil Kharsia, District Raigarh Chhattisgarh. (Defendant No.3)
5. Harishankar S/o Dhirsay Aged About 35 Years Caste - Kalar, R/o Village - Lodhiya, Post - Sarwani, Tahsil Kharsia, District Raigarh Chhattisgarh (Defendant No. 4)
6. State of Chhattisgarh Through Collector, Raigarh, District Raigarh Chhattisgarh.(Defendant No. 5)

---- Respondents

For Petitioners	:	Shri Prakash Tiwari, Advocate
For Respondent/State	:	Shri SK Mishra, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****17/07/2018**

1. Heard.
2. The present petition is against the order dated 20.03.2018, whereby an application filed under Order 3 Rule 2 CPC to represent the

petitioner/defendant through their power of attorney holder namely Satya Narayan Agrawal, was dismissed.

3. Learned counsel for the petitioner submits that petitioner No.1 who is aged about 75 years may be allowed to represent through Satyanarayan Agrawal his son through power of attorney holder.
4. Perusal of the order would show that earlier the same nature of the application was dismissed by the Court on 09.09.2010 and subsequently on 09.01.2015. The application was preferred for the third time, therefore, the same was not entertained. The earlier order dated 09.09.2010 and 09.01.2015 are not placed before this Court therefore, under what circumstances, the earlier petition was dismissed is not clear. In any case, the petitioner can be represented through his advocate and if need be, the examination of the witnesses can be carried out in commission. If the application of like nature has already been dismissed for twice, the same cannot be entertained without any sufficient reason as the issue has been decided and it will be covered within the doctrine of res judicata. The direction as has been given by the Court that the power of attorney holder shall not be allowed to enter the Court and as the Court moharrir was directed to stop the power of attorney holder to come to Court, cannot be entertained. The Court being a public place, unless & until any nuisance or some offence or any hindrance is committed, no one can be stopped to enter the Court premises, therefore, that part of order is set aside.
5. With such observation, the petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu