

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (Art. 227) No.700 of 2018

Smt. Mongra Bai, aged about 30 years, wife of Harish Chandra Kaiwartya, Caste Kenwat, R/o Village Dumuhani, Tahsil & District Bilaspur (C.G.)

(Plaintiff)
---- Petitioner

Versus

1. Chhotelal, S/o Jagat Kaiwartya, aged about 35 years, Caste Kenwat,
 2. Arjun, S/o Sagun, aged about 60 years, Caste Kenwat,
- Both are R/o Village Lawar, Tahsil Masturi, District Bilaspur (C.G.)
3. State of Chhattisgarh, through the Collector, Bilaspur (C.G.)
- (Defendants)
---- Respondents

For Petitioner: Ms. Meenu Banerjee, Advocate.

For Respondent No.3/State: -

Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

06/09/2018

1. Heard.
2. The plaintiff's application under Order 6 Rule 17 read with Section 151 of the CPC has been rejected on the ground that the application under Order 7 Rule 14(3) read with Section 151 of the CPC has already been rejected and it is consequential to that application.
3. Learned counsel for the petitioner / plaintiff submits that the order impugned is unsustainable and bad in law.
4. The application under Order 6 Rule 17 of the CPC ought to have been decided on its own merit which has not been done and the same has been rejected on the ground which is impermissible in law.

Therefore, the impugned order is set aside and the trial Court is directed to consider the application under Order 6 Rule 17 of the CPC on its own merit within seven days from the date of submission of a copy of this order, after hearing the opposite party. Respondents No.1 and 2 are at liberty to make an application for modification of this order, if aggrieved.

5. The writ petition is allowed to the extent indicated herein-above. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Soma