

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
WP227 No.1039 of 2015

Smt. Asha Pandey D/o Murli Manohar Pandey, aged 52 years, R/o Dayalband, Bilaspur (CG)

---- Petitioner

Versus

1. Dinesh Pandey S/o Murlimanohar, aged 61 years, R/o Sakari Tahsil Takhatpur, District Bilaspur (CG)
2. Rajendra Pandey S/o Murli Manohar, aged 58 years, R/o Mahima Vihar, Maharana Pratap Chowk, Bilaspur

---- Respondents

For Petitioner	:	Mr.Kishore Bharat, Advocate
For Respondents	:	Mr.Ravindra Agrawal, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

22.11.2018

1. By the impugned order, the trial Court has set aside order proceeded ex-parte against defendants No.1 and 2.
2. Learned counsel for the petitioner would submit that the trial Court is absolutely unjustified in holding that defendants No.1 and 2 had shown sufficient cause for not appearing when the case was called out for hearing.
3. On the other hand, learned counsel for the respondents would support the impugned order.
4. I have heard learned counsel for the parties the perused the impugned order.
5. The trial Court has recorded a finding that defendants No.1 and 2 had shown sufficient cause for not appearing when the case was called out for hearing and thereby set aside ex-parte order against

defendants No.1 and 2, which is purely discretionary order as sufficient cause has been shown by defendants No.1 and 2 for not appearing when the case was called for hearing. I do not find any illegality or perversity in the said order setting aside ex-parte order.

6. Accordingly, the writ petition being devoid of merit is liable to be and is hereby dismissed leaving the parties to bear their own cost(s). A copy of this order be sent to the concerned trial Court by fax/e-mail.

Sd/-
(Sanjay K. Agrawal)
Judge

B/-