

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 906 of 2018**

Nand Kumar Verma, son of Shri Ghasiya Verma, aged about 65 years at present resident of Near Purani Shiv Mandir, Beside Mayur Club, Puran Bada Pandri, Raipur, District Raipur (C.G.)

----Petitioner/Defendant No.1

Versus

1. Nand Lal Verma, son of late Ghasiya Verma, aged about 62 years,
2. Gopal Verma, son of late Ghasiya Verma, aged about 52 years,
3. Kalindri Verma, aged about 90 years, wife of Ghasiyaram Verma,

Both are cultivator and resident of Puran, P.H. No. 14, Revenue Circle and Tahsil Baloda Bazar, Baloda Bazar – Bhatapara (C.G.)

4. Kaushal Verma, son of Ghasiya Verma, aged about 72 years,
5. Santram Verma, son of Ghasiya Verma, aged about 69 years,
6. Mantram Verma, son of Ghasiya Verma, aged about 66 years,

Respondents No. 3 to 5 are cultivator and resident of Puran, P.H. No. 14, Revenue Circle and Tahsil Baloda Bazar, Baloda Bazar – Bhatapara (C.G.)

7. Kaushilya Bai, aged about 74 years, daughter of Ghasiya Verma, wife of Samaru, at present resident of Mohra, Tahsil Tilda, District Raipur (C.G.)
8. Smt. Ramshila Verma, aged about 54 years, daughter of Ghasiya Verma, wife of Ramakant, resident of village Kohka, Tahsil Bhilai, District Durg (C.G.)
9. State of Chhattisgarh, through Collector, Baloda Bazar, District Baloda Bazar-Bhatapara (C.G.)

---- Respondents.

For Petitioner : Shri G.L. Verma, Advocate
For Respondent No. 9 : Smt. Astha Shukla, PL

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

01/11/2018

(1) By the impugned order dated 22.09.2018, application under Order 9 Rule 9 of the CPC filed by respondents No. 1 to 3/plaintiffs has been allowed by the trial Court restoring the plaintiff's

suit, which was dismissed in default by order dated 27.07.2017, against which instant writ petition has been filed questioning that order.

(2) Learned counsel appearing for the petitioner/defendant No.1 would submit that in the application filed by respondents No.1 to 3/plaintiffs for restoration of the suit, neither material particulars were given nor good cause was shown for not appearing when the case was called out for hearing, therefore, the trial Court has erred in allowing the application filed by the plaintiffs and thereby restoring the suit.

(3) I have heard learned counsel appearing for the petitioner and perused the impugned order with utmost circumspection.

(4) The trial Court by its impugned order has given sufficient reasons while restoring the suit finding good cause for not appearing the plaintiffs when the case is called out for hearing, in which I do not find any illegality warranting interference by this Court under Article 227 of the Constitution of India.

(5) Accordingly, the writ petition fails and is hereby dismissed.

(6) Copy of this order be sent to the trial Court for compliance and needful.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

