

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (Art. 227) No.74 of 2019

1. A. Smt Radha Bai Sahu @ Radhika Bai, aged about 55 years, W/o Late Ramgopal Sahu, R/o Village & Post Khopli, Police Station Utai, Tahsil & District Durg (C.G.)

B. Santosh Kumar Sahu, aged about 40 years, S/o Late Ramgopal Sahu, R/o Village & Post Khopli, Police Station Utai, Tahsil & District Durg (C.G.)

(LRs of Defendant No.1)
---- Petitioners

Versus

1. Samaru Ram Sahu, aged about 56 years, S/o late Sekhwa Ram Sahu, R/o Village Bajrang Chowk, Dundera, Police Station Utai, Tahsil & District Durg (C.G.) at present address Ward No.51, Borsi, Durg, P.S. Pulgaon, Tahsil & District Durg (C.G.)

(Plaintiff)

2. Bhilai Ispat Sayantra, through CEO, Bhilai Steel Plant, Office of Ispat Bhawan, Bhilai, Tahsil & District Durg (C.G.)

3. State of Chhattisgarh, through the Collector, Durg, Office of District Collector Campus Durg, Tahsil & District Durg (C.G.)

(Defendants)
---- Respondents

For Petitioners: Mr. D.N. Prajapati, Advocate.

For Respondent No.3 / State: -

Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

13/02/2019

1. By the impugned order, the plaintiff's application for exemption of payment of court fees under Section 35 of the Court-fees Act, 1870 read with notification issued has been allowed against which this writ petition has been preferred.

2. Learned counsel for the petitioners herein/LRs of defendant No.1 submits that no enquiry has been made in the said application and the application has been allowed.

3. I have heard learned counsel for the petitioners and perused the order impugned.
4. A careful perusal of the order impugned would show that enquiry has been made in the said application and thereafter, it has been allowed. Even otherwise, the LR's of defendant No.1 have no locus standi to question the court-fees as it is between the plaintiff and the State. In view of that, I do not find any merit in the writ petition and it is accordingly dismissed. No order as to cost(s).
5. A copy of this order be sent to the trial Court by E-mail / fax.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma