

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 216 of 2019**

1. Kamleshwar Yadav son of late Dadul, aged about 85 years, resident of Village- Mahnai, Police Station & Tahsil- Bagicha, District- Jashpur (C.G.)
2. Raju Yadav S/o Kameshwar Yadav, aged about 38 years
3. Balwant Yadav S/o Kameshwar Yadav, aged about 48 years

Both are R/o Village Amera, Police Station & Tahsil- Shankargarh, District- Balrampur, Ramanujganj (C.G.)

---- Petitioners/ Defendants

Versus

1. Satyanarayan S/o Kameshwar, aged about 60 years
2. Rupnarayan Yadav, S/o Kameshwar Yadav, aged about 52 years
3. Goutam Yadav S/o Kameshwar Yadav, aged about 42 years

No. 1 to 3 are R/o village Mahani, Police Station & Tahsil- Bagicha, District- Jashpur (C.G.)

4. State of Chhattisgarh, through the Collector, Balrampur, District- Balrampur- Ramanujganj (C.G.)

---- Respondents

For Petitioners : Mr. J.K. Saxena, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

20.03.2019

1. By the impugned order, defendants' opportunity to file written statement has been closed.
2. Learned counsel for the petitioners submits that impugned order is unsustainable and bad in law as the provisions of Order 8 Rule 1 of the CPC is directory in nature and therefore opportunity be granted to file written statement.
3. I have heard learned counsel for the petitioners and perused the records with utmost circumspection.

4. It appears from records that defendants personally appeared before the trial Court on 27/07/2018 and on that day the case was adjourned for 04/01/2019 for filing written statement, and defendants could not file written statement on that day, therefore, defendants' opportunity to file written statement has been closed by the impugned order.

5. Considering the facts that defendants are not represented by counsel on 27/7/2018 and on 4/1/2019 and the provisions contained in Order 8 Rule 1 of the CPC being directory in nature. Time is granted to file written statement on or before 05th April 2019 subject to payment a cost of Rs. 2000 to the defendants. If the written statement are not filed and cost is not paid within the stipulated period, the order will become inoperative. Liberty is reserved in favour of respondents to make an application for modification of this Order, if he feels aggrieved.

Certified copies today.

Sd/-

(Sanjay K. Agrawal)
Judge