

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 665 of 2019**

Mukesh Kumar @ Mukesh Singh Thakur, S/o Shri Dauwasingh, Aged about 51 years, Occupation : Service and Agriculture, R/o Kopebhata, Gandai, District Rajnandgaon (C.G.)

Present Address : P-31, B-55, Nehru Nagar West, Bhilai, District Durg (C.G.)

---- Petitioner/plaintiff

Versus

1. Sanjay Agrawal, S/o Late Dashrath Agrawal, Aged about 43 years,
2. Ajay Agrawal, S/o Late Dashrath Agrawal, Aged about 45 years,
3. Savita Agrawal, D/o Late Dashrath Agrawal, Aged about 62 years

All R/o Kopebhata, Ward No. 05, Gandai, PO and PS Gandai, District Rajnandgaon (C.G.)

4. State of Chhattisgarh Through Collector, Rajnandgaon

---- Respondents

For Petitioner	: Mr. Shashi Kumar Kushwaha, Advocate.
For Respondent	: Ms. Anjali Singh Chauhan, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

28/08/2019

(1) In a civil suit adjudicated on 28.04.2008, the petitioner/plaintiff herein made an application for correction under Section 152 of Code of Civil Procedure, 1908, which was rejected by the trial Court by the impugned order dated 31.05.2019 finding no merit, against which instant writ petition under Article 227 of the Constitution of India.

(2) Learned counsel appearing for the petitioner would submit that the petitioner's application under Section 152 of the CPC for correction in the order dated 28.4.2008 ought to have been allowed by the trial Court and, therefore, the impugned order is liable to be set aside.

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

(4) The trial Court has given sufficient & valid reasons for not entertaining the application under Section 152 of the CPC for correction in the judgment & decree of the trial, which was passed way back on 28.04.2008 and, as such, I do not find any illegality or perversity in the order impugned warranting interference under Article 227 of the Constitution of India.

(5) Accordingly, the writ petition, being devoid of merit, is liable to be and is hereby dismissed. However, the petitioner is at liberty to proceed in accordance with law.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

