

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2187 of 2019**

1. Baldau Singh Thakur, S/o Shri Dhruv Singh Thakur, Aged About 49 Years, R/o Village Chamri, Police Station- Mungeli, District- Mungeli, (C.G.).

---- Applicant

Versus

1. Smt. Neetu Singh, W/o Shri Baldau Singh Thakur, Aged About 36 Years, I.T.I. Colony Koni Police Station- Koni, District- Bilaspur, (C.G.).
2. Uvraj Singh Thakur, S/o Shri Baldau Singh Thakur, Aged About 12 Years, Minor- Through His Mother Smt. Neetu Singh (Respondent No.1), W/o Shri Baldau Singh Thakur, Aged About 36 Years, I.T.I. Colony Koni Police Station- Koni, District- Bilaspur, Chhattisgarh., District : Bilaspur, (C.G.).

---- Respondents

For Applicant	: Shri Syed Ishhadil Ali, Adv.
For Respondents	: Shri Rishi Rahul Soni, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****02.12.2019**

1. Heard on Admission.
2. Applicant filed this petition to recall the order dated 04.07.2019 passed in Criminal Revision No. 1064/2017. On the ground that in the aforesaid revision, notices were issued on 17.11.2017 which were neither received by the applicant nor served to applicant.
3. Learned counsel for the respondents opposes the application of the applicant and submitted that in CRR No. 1064/2017, notice was duly served upon respondent

(applicant in the present petition) but he did not appear before this Court.

4. Heard learned counsel for both the parties and perused the record of CRR No. 1064/2017.
5. This Court in CRR No. 1064/2017 issued notice to the applicant vide order dated 17.11.2017 and the matter was listed on 01.02.2019 and again listed on 13.05.2019 but none was appeared on behalf of the respondent (applicant in the present petition). The matter was listed on 04.07.2019. It is clear from the office report dated 24.06.2019 that notice was duly served upon respondent but memo of appearance has not been filed by the respondent.
6. The respondent/ petitioner remained unrepresented despite service of notice to his family members on 01.02.2019, 13.05.2019 and 04.07.2019 when the matter was taken up for hearing and order was passed.
7. Keeping in view the above facts and circumstances, this Court is satisfied that petitioner/ respondent in CRR No. 1064/2017 was duly served through his family members and sufficient opportunities were provided to him to appear before this Court and contest the matter. This order was passed after perusal of the material available on record. So, the grounds for recall of the judgment are devoid of any

merit whatsoever.

8. Accordingly, this petition is dismissed at motion stage itself.

**Sd/-
(Rajani Dubey)
Judge**

Ruchi