

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 834 of 2019

1. Gulshan Kumar Saluja S/o Late Shri Narayan Singh Saluja, Aged About 68 Years R/o Mannu Chowk, Tikrapara, Bilaspur, Tahsil And District Bilaspur Chhattisgarh
2. Jagdish Kumar Saluja S/o Late Shri Narayan Singh Saluja, Aged About 58 Years R/o Mannu Chowk, Tikrapara, Bilaspur, Tahsil And District Bilaspur Chhattisgarh
3. Guljari Kumar Saluja, S/o Late Narayan Singh Saluja, Aged About 44 Years R/o Village Mannu Chowk, Tikrapara, Bilaspur, Tahsil And District Bilaspur Chhattisgarh

---- Petitioners

Versus

1. Satish Kumar Saluja S/o Late Shri Narayan Singh Saluja Aged About 62 Years R/o Mannu Chowk, Tikrapara, Bilaspur, Tahsil And District Bilaspur Chhattisgarh
2. Nagar Palika Nigam, Bilaspur, Through The Commissioner, Nagar Palika Nigam, Bilaspur, District Bilaspur Chhattisgarh

---- Respondents

For Petitioners	: Mr. Goutam Khetrapal, Advocate.
For Respondent No.2.	: Ms. Richa Dwivedi on behalf of Mr. Pankaj Agrawal

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-11-2019

Heard.

1. This petition has been brought being aggrieved by the order dated 06.03.2019 by which the application of petitioners under Section 151 of C.P.C. was rejected by the trial Court.
2. Learned counsel for petitioners submits that in an earlier application

filed by respondent No.1/plaintiff under Order 6 Rule 17 of C.P.C., the opportunity to submit reply was closed by the Court vide order dated 18.09.2018. The respondent No.1/plaintiff has incorporated amendments twice. Subsequent to that, petitioners filed the written statement along with the application under Section 151 of C.P.C. to take the written statement on record. The trial Court has misinterpreted the earlier order that the opportunity for filing W.S. was also closed and has rejected the application. Hence, this petition.

3. Learned counsel appearing for respondent No.2 makes formal objection.
4. On perusal of the impugned order and the copy of the order sheets that have been filed along with the petition, it is found nowhere that the petitioners were given any last opportunity for filing W.S. and neither there is any order closing the opportunity for filing W.S., therefore, the impugned order appears to be misconceived and misdirected. Therefore, this petition is disposed off at motion stage and the impugned order dated 06.03.2019 is set aside and the trial Court is directed to reconsider on the application under Section 151 of C.P.C. filed by the petitioners in the light of the observations made herein.
5. Accordingly, the petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge