

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 881 of 2019

1. Parsulal S/o Buchhunlal Lala, Aged About 35 Years, Occupation Cultivator, Resident of Village – Bhaiyathan, Police Station and Tahsil Bhaiyathan, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh
2. Jagdish Verma S/o Bramhadev Verma, Aged About 35 Years, Occupation Cultivator, Resident of Village Bhaiyathan, Police Station and Tahsil Bhaiyathan, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh
3. Umesh Sinha S/o Ramnarayan Lala, Aged About 32 Years, Occupation Cultivator, Resident of Village Rajpur, Tahsil - Rajpur, District Balrampur-Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh
4. Awadhesh Sinha S/o Ramnarayan Sinha, Aged About 30 Years, Occupation Cultivator, Resident of Village Rajpur, Tahsil Rajpur, District Balrampur-Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh
5. Akhilesh Pratap Singh S/o Awadheshwari Pratap Singh, Aged About 40 Years, Occupation Cultivator, Resident of Village Bhaiyathan, Police Station and Tahsil Bhaiyathan , District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh ...(Defendants)

---- Petitioners

Versus

1. Jitendra Kumar Singh S/o Late Brijbhushan Singh, Aged About 56 Years, Occupation Service, Resident of Village Manpur, Tahsil and District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh .. (Plaintiff)
2. State of Chhattisgarh Through The Collector, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh (Def. No.6)

----Respondents

For Petitioners – Shri Rahul Mishra, Advocate.

For State/Respondent No.2 – Shri Devendra Pratap Singh, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

25-11-2019

1. This petition has been brought being aggrieved by the order dated 31-07-2019 by which the opportunity of filing written statement of the petitioners was closed.
2. It is submitted that the petitioners are defendants in the Civil Suit No.75-A/2019 filed before the learned lower Court and as they have interest in the suit property, therefore, closure of their opportunity for filing written statement is

directly affecting their interest, hence, it is prayed that one more opportunity be granted to the petitioners.

3. On perusal of the order sheets, it appears that the petitioners had 10th opportunity for filing written statement even then it was failure on their part for filing written statement on the said date, therefore, the Court has closed their opportunity. However, for the reason that complete adjudication of dispute between the parties will be possible only if the pleadings from both the sides are complete, therefore, for this sake I feel inclined to disposed off this petition at the motion stage.

4. Accordingly, this petition is disposed off and the impugned order is set aside with a condition of grant of only one opportunity to the petitioners for filing written statement before the trial Court. The petitioners are directed to appear before the trial Court on 16th of December, 2019 and submit the written statement, which be taken on record and case thereafter be proceeded with in accordance with law.

Sd/-
(Rajendra Chandra Singh Samant)
Judge