

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 871 of 2019

- Neeraj Kumar Sharma S/o Shri Shridhar Tiwari Aged About 52 Years
R/o- 16 Park, Street- 3, Choube Colony, Raipur, District Raipur,
Chhattisgarh

---- Petitioners

Versus

1. Samta Sahkari Grih Nirman Samiti Raipur Chhattisgarh, Registration
No. U.P.Ro.R.P.R./ 351971-72 Through President Rambishal Upadhyay
S/o Shri Kaniram Upadhyay, R/o Samta Colony, Raipur, District Raipur,
Chhattisgarh
2. State Of Chhattisgarh Through Collector, Raipur, District Raipur,
Chhattisgarh

---- Respondents

For Petitioner : Mr. Hemant Kesharwani, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-11-2019

Heard.

1. This petition has been brought being aggrieved by the order dated
18.10.2019 passed by the trial Court in Civil Suit No.90A/2014 pending
before the Court of Second Additional District Judge, Raipur by rejecting
the application filed by the respondent under Order 8 Rule 1 of C.P.C.
2. Learned counsel for petitioners submits that the petitioner had filed an
application with intention to present the document which is an
agreement dated 25.06.2019 entered between the petitioner and one
Sanjay Sharma. This document has relevance because it shows that
petitioner is still in possession of the subject matter of the Civil Suit.
Therefore, the rejection order by the trial Court is erroneous and
arbitrary. Hence, this petition.

3. Learned counsel for the State appearing on behalf of respondent No.2 makes a formal objection.
4. After perusal of the impugned order and the document proposed to be filed in support of defence, it is found that the suit is pending since the year 2014. The agreement on the basis of which the suit for specific performance has been brought is dated 15.07.1982. The defence of the petitioner, who is defendant, is this that he has not executed the said agreement. Therefore, the documents proposed to be filed by the petitioner in his defence has no relevance. Hence, I do not find any fault in the order of the trial Court. Therefore, the petition is dismissed and disposed off.
5. Accordingly, the petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Monika