

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WP227 No. 89 of 2020**

- Ramnaresh, S/o Parasram, Aged About 52 Years Caste Kurmi, R/o Village-Salkhan, Tahsil-Navagarh, District-Janjgir-Champa Chhattisgarh...Defendant No. 1,

**---- Petitioner**

**Versus**

1. Vishmbhar, S/o Bahoran, Aged About 66 Years, Caste-Kurmi, R/o Village-Salkhan, Tahsil-Navagarh, District-Janjgir-Champa Chhattisgarh.....Plaintiff
2. State of Chhattisgarh Through Collector, Janjgir-Champa Chhattisgarh.....Defendant No. 2.

**---- Respondents**

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For petitioner : Mr. Bharat Gulabani, Advocate.  
For respondent No.2/State : Mr. Shrikant Kaushik, Panel Lawyer.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Order On Board**

**18/02/2020**

1. This petition has been brought being aggrieved by the order dated 23.11.2019 passed by the learned Civil Judge Class-II, Navagarh, District-Janjgir-Champa, Chhattisgarh thereby rejecting the application filed by the petitioner/defendant under Order 8 Rule 1 of Code of Civil Procedure, 1908 (for short 'C.P.C.') praying for opportunity to file written statement.
2. It is submitted that the petitioner was being represented by his counsel, however, as the Court in which the case was listed for filing written statement, he could not give proper appearance and his written statement could not be filed. Opportunity to file written statement was closed on 14.3.2019. Thereafter, an application was filed for granting additional opportunity to the petitioner to file written statement, which has been arbitrarily rejected by the trial Court. Hence, it is prayed that

the impugned order be set aside and the petitioner be granted an opportunity to file his written statement and contest the case.

3. Heard learned counsel for the parties and perused all the documents present in the petition.
4. It is true that despite grant of sufficient and ample opportunities to the petitioner/defendant to file written statement, the same could not be filed and therefore the trial Court has closed the opportunity for filing written statement. However, it is in the interest of justice that any dispute between the parties is decided completely by complete adjudication on all issues present and for that purpose it is better that the opposite party should also have opportunity to present his case. Therefore, for this reason, I feel inclined to allow the petition at the motion stage. Accordingly, it is ordered that on payment of a cost of Rs.3,000/- before the Court below within the period of 10 days, the petitioner shall be given one date to file his written statement in the case concerned. It is made clear that no further date shall be granted for the purpose of filing written statement.

Sd/-

**(Rajendra Chandra Singh Samant)**  
Judge