

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 258 of 2020

1. Netram Sahu S/o Shri Jeevrakhan Sahu, Aged About 38 Years
2. Virendra Sahu, S/o Shri Jeevrakhan Sahu, Aged About 28 Years
Both are R/o Village Dunda, Tahsil And District Raipur Chhattisgarh.

---- Petitioners

Versus

1. Bholaram Joshi, S/o. Late Jeevrakhan Joshi, Aged About 23 Years R/o Village Rawanguda, Tahsil and District Dhamtari Chhattisgarh.
2. Bhagwat Ram, S/o. Late Kaliram, Aged About 30 Years, R/o Village Rawanguda, Tahsil and District Dhamtari Chhattisgarh
3. State Of Chhattisgarh Through Collector Dhamtari District Dhamtari Chhattisgarh

-----Respondents

For Petitioners	: Mr. Prafulla N. Bharat, Advocate
For Respondent/State	: Mr. C.B. Kesharwani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

05/03/2020

1. The impugned order against which, this petition has been filed has been passed by the Additional District Judge (F.T.C.) in Misc. Civil Appeal No. (Unregistered)/2020 dismissing the revision petition filed by the petitioners mentioning that District Judge has no jurisdiction to hear on revision.
2. It is submitted that the petitioners have inadvertently filed a revision petition instead of appeal, which would have been maintainable, hence, the petition be allowed and direction be issued accordingly.

3. Considered on the submissions made and also perused the documents placed on record. On perusal of the documents placed on record, I am of this view that this petition can be disposed off at motion stage with a suitable direction.
4. Accordingly this petition is disposed off and the petitioners are granted liberty to file appeal against the order of the trial Court dismissing the application under Order 9 Rule 13 of C.P.C. for setting-aside the ex-parte judgment and decree.
5. The time elapsed in between the prosecution of other litigation by the petitioners side stands condoned.
6. Accordingly, this petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge