

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4377 of 2020

Dr. Uday Nath Diwan S/o Shri Bhukhram Diwan Aged About 63 Years R/o Village Patharri, P.S. Patewa, Post Nartora, Tahsil And District Mahasamund Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Health And Medical Department, Mantralaya, Mahanadi Bhawan, Capital Complex, New Raipur District Raipur Chhattisgarh
2. Director Health Services Raipur, Indrawati Bhawan, 3rd Floor, Block A, Atal Nagar, District Raipur Chhattisgarh
3. Chief Medical And Health Officer Mahasamund Chhattisgarh
4. Block Medical Officer, Community Health Center, Tumgaon, District Raipur Chhattisgarh
5. Joint Director (Vigyan) Directorate Health Services Raipur, Indrawati Bhawan, 3rd Floor, Block A, Atal Nagar, District Raipur Chhattisgarh,
6. Collector Mahasamund, District Mahasamund Chhattisgarh
7. Chief Medical And Health Officer, North Bastar Kanker Chhattisgarh

---Respondents

For Petitioner :Shri Surendra Kumar Dewangan, Advocate.

For Respondents/State :Smt. Richa Shukla, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

05/11/2020

Heard.

1. It is contended that date of birth of the petitioner is actually 13/12/1957

whereas it was wrongly written in the service book as 19/02/1956, therefore to get the same corrected a declaratory suit was filed which is pending before the court of Civil Judge, Class-I, Mahasamund. Learned counsel submits that because of the pandemic the civil suit is not being heard and consequently prayer is made at para 10.3 and 10.4 of the petition that before the petitioner is superannuated the civil suit may be decided so that date of birth of the petitioner is corrected.

2. Perusal of the record shows that the petitioner has already filed a suit for declaration which is pending adjudication before the Civil Judge, Class-I, Mahasamund. Since issue is already pending adjudication before the civil court, prayer as on today made before this court that civil suit may be decided before 18/02/2021 appears to be reasonable. Taking into fact that the civil courts were in non working mode because of the pandemic and lock down, it has already been decided to open the physical hearing from 17th November, 2020. Taking into such fact the extraordinary situation, extraordinary measures are to be taken out to grant relief to the litigant. Consequently, it is directed that the court of Civil Judge, Class-I, Mahasamund shall adjudicate the civil suit filed by the petitioner by 5th of February, 2021.
3. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)
Judge