

HIGH COURT OF CHHATTISGARH, BILASPUR

Rev.P. No.55 of 2021

1. Govind Ram Basantani S/o Shri Nihalchand Basantani Aged About 78 Years Occupation Business, R/o Beladula, Sindhi Colony, Raigarh, Tahsil And District Raigarh Chhattisgarh
2. Ashok Basantani S/o Shri Govind Ram Basantani Aged About 45 Years Occupation Business, R/o Beladula, Sindhi Colony, Raigarh, Tahsil And District Raigarh Chhattisgarh

---- Petitioners

Versus

1. Gopal Ji Mandir Trust Through Mahant Ram Gopal Das, Guru Bramhlin Baldev Das, Aged About 64 Years, Occupation Sarwarakar, Gopal Ji Mandir, Beladula, Raigarh, Tahsil And District Raigarh Chhattisgarh
2. Nagar Palik Nigam Raigarh Chhattisgarh Through Commissioner, Nagar Palik Nigam, Raigarh, Tahsil And District Raigarh Chhattisgarh

---- Respondents

For Petitioners	– Mr. Roop Naik, Advocate.
For Respondent No.1	– Mr. Vipin Punjabi, Advocate.
For Respondent No.2.	– Mr. Vivek Kumar Agrawal on behalf of Mr. Sudeep Agrawal, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-04-2020

Heard.

1. This Review Petition has been filed praying for review of order dated 10.02.2021 passed by this Court in W.P.(227) No.243/2020.
2. Learned counsel for the petitioner submits that the petition was fixed for hearing on 10.02.2021, although the notices were issued to the petitioners, but the same was not served upon them. There is clear report of the bailiff of District Court, Raigarh, dated 19.05.2020, that the

notices could not be served due to lockdown. Therefore, the order has been passed without giving opportunity of hearing to the petitioners. The petitioners also feel aggrieved by the order passed, therefore, it is prayed that the impugned order be recalled and review be granted to the petitioners.

3. Learned counsel for respondent No.1 opposes the submissions and submits that this Court has passed the impugned order by making reference to the judgments of the High Courts and on the basis of sound principles of law. Therefore, review petition is without any substance, which may be dismissed.
4. Learned counsel Shri Sudeep Agrawal representing respondent No.2 opposes the submissions and prays for dismissal of this Review Petition.
5. Considered on the submissions. The petitioners who were respondent in W.P.(227) No.243/2020 were not represented on the date 10.02.2021 when the matter was heard and decided by this Court. On perusal of the record of W.P.(227) No.243/2020, it is found that the notice issued to the petitioners was returned unserved because of the lockdown.
6. Under Rule 90 of C.G. High Court Rules, 2007 an Order 47 Rule 1 of C.P.C., there is one ground that on finding of any sufficient reason, the Court can grant review of an order passed by it. I am of this view that the reason presented by the petitioners, that they were not served with the notices and that they have to make representation and submissions to challenge the petition filed by the respondent No.1, appears to be a sufficient reason. Hence, on this basis, I feel inclined to allow this Review Petition. Therefore, this Review Petition is allowed. The order dated 10.02.2021 in W.P.(227) No.243/2020 is recalled. The parties are

directed to give appearance before this Court on the next date for hearing on petition of respondent No.1 in W.P.(227) No.243/2020.

7. Copy of this order be attached with W.P.(227) No.243/2020 with a direction for listing of that case after three weeks.
8. Accordingly, this petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika