

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 446 of 2019

- Ratanlal S/o Shree Harlal Satnami Aged About 38 Years R/o Village- Kapa, Post- Navagaon, Tahsil- Churiya, District- Rajnandgaon, Chhattisgarh.,

---- Petitioner

Versus

1. Vikas Yadav S/o Shree Rameshwar Yadav Aged About 28 Years R/o Basantpur, Ward No. 46, Rajnandgaon, Tahsil And District- Rajnandgaon, Chhattisgarh.,
2. State Of Chhattisgarh Through Collector, Rajnandgaon, Chhattisgarh.,

---- Respondents

For Petitioner	:	Mr. Parag Kotecha, Advocate
For State	:	Mr. Aman Kesharwani, P.L.
For respondent No. 1	:	Mr. Shashi Bhushan Tiwari, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26.11.2021

1. Heard on petition.
2. This petition has been filed being aggrieved by the order of the learned trial Court closing the opportunity of the petitioner/ defendant for filing the written statement in Civil Suit No. 32/A/17.
3. It is submitted by the learned counsel for the petitioner that the opportunity for filing written statement was closed on 31.01.2019. The petitioner/ defendant immediately filed a written statement and made prayer to take the written statement on record by filing a separate application. That application has also been rejected by the order dated 26.04.2019. It is submitted that the petitioner was prompt in filing the written statement soon after the order of closing of his opportunity was passed. The trial has proceeded and it is at the stage of final argument. Therefore, the petitioner may be granted one opportunity to present his case and the civil suit.
4. Learned counsel representing respondent No. 1 opposes the submission and

submits that the petitioner has sufficient opportunities even then he failed to file written statement in time therefore he has no entitlement for any relief.

5. Learned State counsel makes formal objection.
6. Considering on the submissions. Perused the documents filed along with the petition. The petition is disposed off at the motion stage. The impugned orders dated 31.01.2019 and 26.04.2019 both are set-aside. The petitioner is granted one opportunity for filing written statement on the very next date when the case is listed for hearing. Subsequent to that, the learned trial Court is directed to take up the proceeding in accordance with law and dispose off the civil suit at the earliest. The petitioner is also directed not to take any unnecessary adjournments in the trial.
7. With such observations/ directions, the petition stands disposed off.
8. Certified copy today.

Sd/-
(**Rajendra Chandra Singh Samant**)
Judge