

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(227) No. 713 of 2019

1. Masers Shivam Motors Private Limited, Registered Office - 124, Napear Town Jabalpur M. P. Through Masers Shivam Motors Private Limited, Branch Office - Sirgitti, Raipur Road, Bilaspur, District - Bilaspur (C.G.) Through Power Of Attorney Holder Ritesh Bohra S/o Pukhraj Bohra Aged About 32 Years R/o 406, Indra Colony Transport Nagar Korba, Tehsil And District - Korba Chhattisgarh., District : Korba, Chhattisgarh
2. Director Masers Shivam Motors Private Limited, Branch Office - Sirgitti, Raipur Road, Bilaspur, District - Bilaspur Chhattisgarh.

---- Petitioners

Versus

1. Santosh Kumar Agrawal S/o Gorishankar Agrawal Aged About 46 Years Proprietor Masers Anmol Motors, New Bus Stand Korba, Tehsil And District - Korba Chhattisgarh.
2. Kaislash Gupta S/o Jainarayan Gupta, Formar Director Masers Shivam Motors Private Limited, R/o Aradhana, Pechpedi, Civil Lines, Jabalpur, and Commercial Automobiles, Nepear Town Jabalpur, District - Jabalpur (M. P.) (Wrongly Mentioned As C.G.)
3. Pukraj Jain S/o Late Ranulal Jain Aged About 59 Years R/o Plot No. 408 T.P. Nagar, Korba, District - Korba Chhattisgarh.

---- Respondents

For Petitioners	:	Shri Rahul Mishra, Advocate
For the Respondents	:	Shri Manoj Paranjpe and Shri Anurag Singh, Advocates.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17.08.2021

Heard.

1. This petition under Article 227 of the Constitution of India has been brought being aggrieved by the order dated 16.5.2019 of the trial Court, by which the application under Order IX Rule 7 of the CPC has been dismissed by the trial Court.
2. It is submitted that the petitioners are the defendants in the civil suit No.44A of 2014 pending before the trial Court. The opportunity for filing

written statement has been closed by the Court. It is further submitted that the learned trial Court has passed orders for proceeding *ex parte* against the petitioners on 19.12.2016, therefore, the application under Order IX Rule 7 of the CPC was filed which has been dismissed by the impugned order.

3. Learned counsel for respondent No.1 has objected the submissions made by counsel for the petitioners and submits that the learned trial Court has not committed any error in passing the rejection order and the impugned order is sustainable.
4. After considering on the submissions and also considering the fact that the petitioners should have proper opportunity for representing their case, I feel inclined to allow this petition on cost. Hence, the petition is allowed and the impugned order is set aside. The application filed by the petitioners under Order IX Rule 7 of the CPC is allowed at a cost of Rs.5,000/- which should be payable to respondent No.1. Learned trial Court is directed to allow the petitioners to participate in further proceedings of the trial.
5. Accordingly, the petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge