
(2019) 07 CHH CK 0167
In the Chhattisgarh High Court
Case No : Writ Petition 227 No. 589 Of 2019

Bisahu Rao

APPELLANT

Vs

Guna Bai

RESPONDENT

Date of Decision : 26-07-2019

Acts Referred:

Constitution Of India, 1950 — Article 227

Citation : (2019) 07 CHH CK 0167

Hon'ble Judges : Sanjay K. Agrawal, J

Bench : Single Bench

Advocate : Sunil Sahu

Final Decision : Disposed Of

Judgement

Sanjay K. Agrawal, J

1. This writ petition under Article 227 of the Constitution of India has been preferred by the petitioner/defendant against the order dated 27/03/2019 (Annexure P/1) passed in Civil Suit No. 57-A/2016 whereby learned 2nd Civil Judge Class-II, Dhamtari has rejected the application under Order 6 Rule 17 of the CPC filed by the petitioner/defendant on the ground that the trial has already commenced and the application is filed at a later stage.
2. Learned counsel for the petitioner/defendant submits that he may be allowed to file fresh application making compliance to proviso to Order 6 Rule 17 of the CPC and learned trial Court be directed to consider the application afresh.
3. I have heard learned counsel for the petitioner/defendant at length.
4. Petitioner is granted the liberty to file a fresh application in accordance with law and that will be considered by learned trial Court afresh after hearing the petitioner and without being prejudiced by the earlier order dated 27/03/2019, considering that the trial is at its initial stage.
5. With the aforesaid liberty granted to the petitioner and the direction issued to

the trial Court, this writ petition stands disposed of. No cost(s).

6. A copy of this order be sent to the concerned trial Court by e-mail/fax.