

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 761 of 2014**

1. Ramakant Kashyap S/o . Late Shri Narayan Singh Kashyap Aged About 47 Years R/o. Vill. And P.O. Medesara, Head Master, Primary School Sagni, P.S. Nandani, Tha. Dhamdha, Civil And Rev. Distt. Durg C.G., Chhattisgarh
2. Hulasram Lodhi S/o . Late Shri Firturam Lodhi Aged About 45 Years R/o. Vill. Dhamdha,p.S. Nandani, Tha. Dhamdha, Civil And Rev. Distt. Durg C.G., District : Dhamtari, Chhattisgarh
3. Phokraj Jain S/o S/o. Late Shri Dheever Chand Jain Aged About 76 Years R/o. Vill. Dhamdha,p.S. Nandani, Tha. Dhamdha, Civil And Rev. Distt. Durg C.G., District : Durg, Chhattisgarh

---- Petitioners**Versus**

1. Megha Shyam Kashyap S/o . Late Shri Jhumuklal @ Jhumki Kashyap Aged About 68 Years R/o. Vill. And Post Medesara, P.S. Nandani, Teh Dhamdha, Civil And Rev.Distt. Durg C.G., Chhattisgarh
2. State of Chhattisgarh Through The District Magistrate, Durg, Distt. Durg C.G., District : Durg, Chhattisgarh

---- Respondents

For petitioner	:	Mr. Bharat Rajput, Advocate.
For respondent No.1	:	Mr. Parasmani Shriwas, Advocate.
For State	:	Mr. Rakesh Sahu, Deputy Govt. Advocate

Hon'ble Shri Justice Narendra Kumar Vyas**Order on Board****30-07-2021**

1. Learned counsel for the petitioners would submit that this matter is purely a civil dispute and filing of the complaint is nothing, but abuse of process of law, therefore, he would submit that he may be given liberty to raise all the defence which is available to him under the law before the trial court.

2. The prayer made by learned counsel for the petitioner seems to be just and proper. It is right of the petitioner to raise all the defence which he can take which is permissible under the law.
3. Interim order passed earlier by this court stands vacated.
4. Accordingly, it is directed that the trial court shall proceed further and decide the case of the petitioner within a period of six months from the date of filing of the copy of the order passed by this court, in accordance with law, allowing the petitioner to raise all the defence which he wants to take.
5. With the aforesaid observation and direction, the instant petition is disposed of.
6. Copy of this order be sent to learned Judicial Magistrate for information and necessary compliance.

Sd/-

(Narendra Kumar Vyas)

Judge

Raju