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**(2018) 08 CHH CK 0071**

**Chhattisgarh High Court**

**Case No:** Writ Petition 227 No. 661 Of 2018

Amitabh Paul

APPELLANT

Vs

Seetaram And Ors

RESPONDENT

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**Date of Decision:** Aug. 2, 2018

**Acts Referred:**

- Code Of Civil Procedure 1908 - Order 13 Rule 10

**Hon'ble Judges:** Goutam Bhaduri, J

**Bench:** Single Bench

**Advocate:** Sunil Sahu, Astha Shukla

**Final Decision:** Disposed Of

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### **Judgement**

Goutam Bhaduri, J

1. Heard.

2. The present petition is against the dismissal of an application filed under Order 13 Rule 10 CPC, whereby the record of Revenue Case No.55A/19

year 1988-89 in between Sitaram Versus State of M.P. and the copy of the order dated 15.05.1989 was called for. The learned Court below has

dismissed the application on the ground that the certified copy of the order could have been procured.

3. Learned counsel for the petitioner refer to a document to show that the certified copy of the order though was applied for but it was not given for

the reason that the document so required is not at all exist, the copy of the same is filed as Annexure P-6.

4. The facts are not clear as to whether the document so called for and for which the certified copy is applied for whether they are same or not,

therefore, under the circumstances, the petitioner is given liberty to file afresh application under Order 13 Rule 10 CPC before the Court below

apprising the Court that they have applied for the certified copy, but for want of record, the same is refused. It is also directed that the trial Court shall

look into the contents of the application and thereafter may pass the suitable orders.

5. With such observation, the petition stands disposed of at this stage.