



2026:CGHC:39590



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WP227 No. 1163 of 2026**

Vishnu Kumar Gupta S/o Late Shri Bhimsen Gupta, Aged About 52 Years
R/o Mainroad Near Central Bank Korgi, Road, Kota, P.S. Tehsil District
Bilaspur C. G.

... Petitioner(s)**versus**

1 - Amarnath S/o Late Shri Vijay Kumar Gupta, Aged About 56 Years All
R/o Near Durga, Temple, Attabirra, Bargarh, District Bargarh Oddisa,

2 - Santosh Kumar S/o Late Shri Vijay Kumar Aged About 54 Years R/o
Near Durga, Temple, Attabirra, Bargarh, District Bargarh Oddisa,

3 - Kamla Wd/o Late Shri Vijay Kumar Gupta Aged About 75 Years R/o
Near Durga, Temple, Attabirra, Bargarh, District Bargarh Oddisa,

4 - Annpurna D/o Late Shri Vijay Kumar Gupta, Aged About 52 Years R/o
Near Durga, Temple, Attabirra, Bargarh, District Bargarh Oddisa,

5 - State Of Chhattisgarh The Collector, District Bilaspur C. G.

---- Respondent(s)

For Petitioner : Mr. Barun Kumar Chakrabarty, Advocate

For Respondent No.5/State : Mr. Ghanshyam Kashyap, Dy. Govt. Adv.

Hon'ble Shri Ravindra Kumar Agrawal, Judge**Order on Board****09/09/2026**



1. Heard Mr. Barun Kumar Chakrabarty, learned counsel for the petitioner as well as Mr. Ghanshyam Kashyap, learned Deputy Government Advocate for the respondent No.5/State.
2. The present writ petition has been filed by the petitioner under Article 227 of the Constitution of India against the impugned order dated 13.07.2026 passed by the learned Second Civil Judge, Junior Division, Kota, District Bilaspur (C.G.), in Civil Suit No. 41A/2021. The challenge in the present writ petition is with respect to the rejection of I.A. No. 01/2026, an application under Section 151 of the CPC filed by the petitioner.
3. Learned counsel for the petitioner would submit that the petitioner is the plaintiff before the learned trial Court. He is prosecuting a civil suit for declaration of title and permanent injunction and means of profit before the learned trial Court against the defendants. Defendant Nos. 01, 03, 04, 06 and 07 have filed their power of attorney and defendant Nos. 1, 3 and 4 have executed a general power of attorney in favour of Vishal Singh and Anwar Ali, which was executed on 05.01.2024 for a period of two years from the date of its execution. In the suit, defendant Nos. 1, 3 and 4 are representing themselves through the said power of attorney. However, after the expiration of the said power of attorney, no fresh power of attorney has been filed by defendant Nos. 1, 3 and 4 and their representation in the suit is without any authority as on date. Their counsel also cannot represent them on the basis of the said power of attorney dated 05.01.2024, which has already expired.



The petitioner filed an application before the learned trial Court under Section 151 of the CPC for restraining respondent Nos. 1, 3 and 4 from participating in the suit, but the application has been rejected by the learned trial Court on the ground that on 08.01.2024, defendant Nos. 1, 3 and 4 filed their Vakalatnama and their counsel is representing the case on their behalf. He further submits that as the power of attorney has already expired, their counsel also has no authority to appear and represent defendant Nos. 1, 3 and 4. Therefore, their representation in the case is without any authority, and they may be restrained from appearing in the case.

4. On the other hand, learned State counsel appearing for respondent No. 5/State opposes the submissions advanced by learned counsel for the petitioner and supports the impugned order passed by the learned trial Court.
5. I have heard learned counsel for the parties and perused the document annexed with the petition.
6. From perusal of the application filed by the petitioner under Section 151 of the CPC (Annexure P/3), it transpires that the petitioner raised an objection before the learned trial Court that the power of attorney executed by defendant Nos. 1, 3 and 4 had already expired on 05.01.2024 after completion of its validity period of two years and thereafter, their appearance through counsel on the strength of the said power of attorney was without any lawful authority. From perusal of the entire documents annexed with the petition, I do not find the copy of the Vakalatnama which defendant Nos. 1, 3 and 4 had executed in favour of their counsel to demonstrate as to



whether the said Vakalatnama in favour of their counsel was, in fact, executed by defendant Nos. 1, 3 and 4 themselves or through their power of attorney. From perusal of the impugned order, it also reveals that the learned trial Court has considered that defendant Nos. 1, 3, 4, 6 and 7 have already executed Vakalatnama in favour of their counsel, who is duly representing their case before the learned trial Court. It has also been observed by the learned trial Court in its order that earlier also, the petitioner had filed another application of the same nature, which had also been dismissed. On these grounds, the application filed by the petitioner has been rejected by the learned trial Court vide its impugned order.

7. After having gone through the entire documents and the contents of the documents and pleadings of the parties and also from the impugned order passed by the learned trial Court, I do not find any illegality or jurisdictional error warranting interference in the present writ petition for setting aside the impugned order.
8. Accordingly, this writ petition deserves to be and is hereby **dismissed**.
9. Office is directed to provide a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-
(Ravindra Kumar Agrawal)
Judge