

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 851 of 2015

1. Smt. Prabha Joshi W/o. Rajkumar Joshi Aged About 50 Years R/o. J-1 Saket
Apartment Agrasen Chowk Bilaspur (Chhattisgarh) Present Address Flat
(Wrongly Mentioned As Plat) No. 201 Perl House Apartment Behind Tort Krishna
Hotel Era Manjil Hyderabad (Andhra Pradesh).....Plaintiff

---- Petitioner

Versus

1. B. R. Mourya S/o. Bhagwandeem Mourya Retire Railway J. E. I I Power House
Road Opposite B. P. Petrol Pump Torwa Bilaspur Tahsil And District Bilaspur
(Chhattisgarh).....Defendant

2. Mahesh Obrani Hira Rice Mill Devari Khurd Chowk (Main Road) Near Torwa
Police Chowki Bilaspur Tahsil And District Bilaspur
(Chhattisgarh).....Defendant

---- Respondents

For Petitioner. : Shri Pravin Kumar Tulsyan, Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

12/10/2015

Heard.

1. This petition is directed under Article 227 of the Constitution of India is preferred against the impugned order dated 20.08.2015 by which the petitioner's application for appointment of commission has been rejected at this stage.
2. Learned counsel for the petitioner submits that looking to the nature of dispute, it is necessary to obtain the report of the commissioner. Learned trial Court, after examining the nature of dispute between the parties, has rejected the application at this stage. It has been recorded that if it is found necessary after recording the evidence,

such an order may be issued in this regard. Therefore, the approach of the learned trial Court does not appear to be illegal. There is reserved opportunity to the petitioner to move an application for appointment at the later stage.

3. Accordingly, the petition is dismissed.

Sd/-

Manindra Mohan Shrivastava

Judge

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