

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.110 of 2016**

1. Tara Bai W/o Late Radheshyam Kedia, Caste Kedia, Aged About 70 Years R/o Anuppur, P.S. And Tahsil Anuppur, District Anuppur, (Madhya Pradesh)
2. Chanda Bai, W/o Late Shankar Lal Kedia, Caste Kedia, Aged About 65 Years R/o Pendra Road, P.S. And Tahsil Pendra Road, District Bilaspur, (Chhattisgarh)

---- Petitioners**Versus**

1. Mohammad Hasan S/o Mohammad Ataulla, Aged About 55 Years R/o Village Pendra, Tahsil Pendra, District Bilaspur, (Chhattisgarh)
2. Mohammad Jakaula, S/o Mohammad Ataulla, Aged About 65 Years R/o Village Pendra, Tahsil Pendra, District Bilaspur, (Chhattisgarh)
3. Mohammad Shafiulla, S/o Mohammad Ataulla, Aged About 62 Years R/o Village Pendra, Tahsil Pendra, District Bilaspur, (Chhattisgarh)
4. State Of Chhattisgarh, Through: The Collector Bilaspur, District Bilaspur, (Chhattisgarh)
5. Kanij Fatima, W/o Ajaj Husain, Aged About 32 Years R/o Manedragarh (Mazjidpara), P.S. And Tahsil Manendragarh, District Korla, (Chhattisgarh)

---- Respondents

For petitioners	: Shri Raghavendra Pradhan, Advocate.
For respondents 2 & 3	: Shri Ashok Soni, Advocate.
For respondent No.4	: Shri SC Khakharia, Dy. Advocate General

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****30.3.2016.**

Heard.

2. Facts as surfaced on bare perusal of the impugned order dated 22.12.2015 goes to show that earlier also vide orders dated 25.01.2014 and 02.5.2015 the trial Court dismissed the applications filed by the petitioner under the provisions of Order 1 Rule 10 of the Code of Civil Procedure, 1908 (for short 'the Code'). Thereafter the

petitioner again filed application under Order 1 Rule 10 of the Code for the third time. The Court below while appreciating the above facts rejected the application for impleadment as party for third time also. It is not in dispute that earlier orders dated 25.01.2014 and 02.5.2015 were not challenged before any appropriate forum i.e. before this Court. Learned counsel for the petitioner failed to demonstrate as to how he filed three applications for the same prayer and also failed to demonstrate despite no any challenge to the orders dated 25.01.14 and 02.5.15 the order passed by the trial Court for the third interim application of the similar nature can be entertained.

3. Upon consideration of the entire facts, I am not inclined to admit the instant petition for further hearing as the same is not maintainable. The petitioner ought to have challenged the initial order dated 25.01.2014. Consequently, the instant petition is dismissed at the motion stage itself. However, any legal right available to the petitioner to raise the issue by filing any litigation/civil suit before the competent Court for the cause may be availed by the petitioner if any such litigation is entertained under the provisions of law available. With this observation, the petition is dismissed at the motion stage itself. No order as to cost.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE