

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 639 of 2016

1. Manish Kumar Agrawal S/o Shri Ram Awtar Agrawal, Aged About 32 Years R/o Sadar Road, Ambikapur, Tahsil Ambikapur, District Surguja, (Chhattisgarh)
2. Deepak Kumar Agrawal, S/o Shri Ram Awtar Agrawal, Aged About 30 Years R/o Sadar Road, Ambikapur, Tahsil Ambikapur, District Surguja, (Chhattisgarh)

---- Petitioners

Versus

1. Board Of Revenue Chhattisgarh Through Secretary, Board Of Revenue Chhattisgarh, Bilaspur, Tahsil & District Bilaspur, (Chhattisgarh)
2. Pawan Kumar Agrawal, S/o Shiv Kumar, Aged About 26 Years R/o Bus Stand, Post Office Road, Ambikapur, District Surguja, (Chhattisgarh)

---- Respondents

For Petitioners : Mr. Sudhir Kumar Bajpai, Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

04/04/2016

Heard.

1. Learned counsel for the petitioners submits that the petitioners' application for impleadment as party has been rejected without allowing the petitioners to produce before the Board of Revenue, the original will deed. It is submitted that the Board of Revenue never allowed the petitioners any opportunity to produce before it, will deed in original.
2. The main operative reason for rejecting petitioners' application for impleadment as party is that the petitioners have not submitted the original will deed. Once the original will deed is submitted, it cannot be disputed except by filing a suit by a person disputing the same.

3. If the petitioners are possessed of original will deed, they may submit fresh application under Order 1 Rule 10 CPC along with original will deed for perusal of the Board of Revenue. If the original will deed is submitted for perusal of the Board of Revenue, the petitioners' application shall be considered and decided afresh after hearing respondent No.2.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E

Rekha