

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 416 of 2016

- Vijay Kumar Agrawal S/o Shankar Lal Agrawal, Aged About 40 Years Occupation Business, R/o In Front Of Jutmil Dharamshala, District Raigarh Chhattisgarh

---- Petitioner

Versus

- Subhash Chand S/o late Shankar Lal Agrawal, Aged About 60 Years, Occupation Business, R/o New Road, In Front Of Jutmil Dharamshala, District Raigarh Chhattisgarh

---- Respondent

For Petitioner

Mr. Vivek Tripathi, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

11/7/2016

1. Heard.
2. The petitioner/defendant has preferred this petition under Article 227 of the Constitution of India assailing the legality and validity of the order passed by the trial Court on 03.04.2013, allowing the plaintiff's application under Order 22 Rule 3 of CPC.
3. It is argued that respondent Subhash Chand has moved an application claiming himself to be the legal heir of Shankar Lal Agrawal, whereas, in fact, the petitioner and respondent Subhash Chand are real brothers.

4. The issue as to who will succeed to the property of Shankar Lal Agrawal is to be adjudicated by the trial Court.
5. For the present, the trial Court has only allowed the application under Order 22 Rule 3 of CPC, which is not at all prejudicing the plaintiff's right. Even otherwise, the petitioner has preferred this petition after more than 03 years and 03 months of passing of the impugned order on 03.04.2013.
6. For the foregoing, the writ petition being devoid of any substance, deserves to be and is hereby dismissed.

Sd/-

Judge

(Prashant Kumar Mishra)

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