

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**First Appeal (M) No. 157 of 2015**

- Subran Dansena S/O Bharat Dansena, Aged About 38 Years
R/O Oorja Nagar, Jhalka Bahaar, Basanpali, Indira Nagar,
Tamnar, District Raigarh, Chhattisgarh .

---- Applicant

Versus

1. Kamla Bai Dansena W/O Subran Dansena, Aged About 30
Years R/O Village Katangpali, Post Boda, P.S. Saria, District
Raigarh, Chhattisgarh
2. Yashwant Kumar (Minor) S/O Subran Dansena, Aged About 7
Years Minor Through Natural Guardian Mother Kamla Bai
Dansena, R/O Village Katangpali, Post Boda, P.S. Saria, District
Raigarh, Chhattisgarh
3. Jashwan Kumar (Minor) S/O Subran Dansena, Aged About 6
Years Minor Through Natural Guardian Mother Kamla Bai
Dansena, R/O Village Katangpali, Post Boda, P.S. Saria, District
Raigarh, Chhattisgarh(Non-Applicant)

---- Respondents

For the applicant	:	Shri Saleem Kazi, Advocate
For respondents	:	None present.

Hon'ble Shri Justice Prashant Kumar Mishra
Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board**Per Prashant Kumar Mishra, J****30.06.2016**

Learned counsel for the appellant would submit that the appellant intends to challenge the order passed by the trial Court in Civil Suit No.F/79A/2014. However, by inadvertance, order passed in Civil Suit No.F-11/2014 has been annexed with the memo of appeal.

2. On perusal of the memo of appeal and the impugned judgment as well, it would appear that the appeal was against

order passed in Civil Suit No.F-11/2014. Therefore, the present appeal cannot be converted into the appeal challenging the judgment rendered in Civil Suit No.F/79A/2014.

3. The order passed in Civil Suit No.F-11/2014 was in favour of the appellant. Therefore, he could not have preferred any appeal against the said order.

4. In view of the above, FA(M) No.157/2015 is dismissed. However, liberty is reserved in favour of the appellant to move separate appeal to challenge the judgment and decree passed in Civil Suit No.F/79A/2014 decided on 02.9.2015.

5. Certified copy of the order in the said suit filed by the appellant along with application dated 16.12.2015 for taking document in record substituting annexure-A/1 be returned to the counsel for the appellant on supplying the xerox copy of the same.

Sd/-
(Prashant Kumar Mishra)
JUDGE

Sd/-
(Chandra Bhushan Bajpai)
JUDGE