

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP (C) No.1612 of 2016**

Bahadur, S/o Ramnath, aged-about 35 years, occupation-agriculturist, R/o village-Sirkotanga, thana & tehsil-Lakhanpur, Distt.-Sarguja (C.G.)

---- **Petitioner.****Versus**

1. Ramvriksha, S/o Late Kunwar Sai.
2. Mohit Ram, S/o Late Kunwar Sai.
3. Ramchandra ram, s/o Late Kunwar Sai.
4. Prabhu Ram, S/o late Kunwar Sai.

All are the R/o village – Sirkotanga, thana & tehsil-Lakhanpur, Distt.-Sarguja (C.G.)

---- **Respondents**

For Petitioner : Shri Sanjay Patel, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****27/06/2016**

1. Petitioner is aggrieved by the order dated 03.06.2016 passed by the Board of Revenue which has affirmed the order passed by the Commissioner, Sarguja Division on 28.09.2015 thereby allowing the legal heirs of deceased Kunwar Sai to be brought on record.
2. It is argued that Kunwar Sai died on 17.07.2008. However, the application for bringing legal heirs of deceased Kunwar Sai was moved on 04.08.2015, i.e., after delay of about 8 years. The Commissioner committed serious error of law by condoning such enormous delay and the Board of Revenue has also committed similar mistake by affirming the order.

3. Perusal of the orders passed by the Board of Revenue and the Commissioner would indicate that the legal heirs of Kunwar Sai had informed their Lawyer about death of Kunwar Sai but the Lawyer forgotten to move necessary application. The Commissioner observed that for the mistake of Lawyer, the litigant cannot be penalised.

4. Considering the entire fact situation of the case, since the matter only concerns about bringing on record the legal heirs of deceased Kunwar Sai and the merits of the matter is yet to be decided, this Court does not find that any such error has been committed by the Board of Revenue and the Commissioner, which warrants correction in exercise of Article 226 of the Constitution of India. Since merits of the matter is yet to be decided, the petitioner would get full opportunity to present his case and is not going to suffer any prejudice or irreparable loss if the impugned order is allowed to stand.

5. For the foregoing, the writ petition, being devoid of any substance, deserves to be and is hereby dismissed.

Sd/-
Judge
(**Prashant Kumar Mishra**)