

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (Art. 227) No.309 of 2016

Shankar, S/o Mangal Satnami, aged about 42 years, R/o Village Darchura, P.H.No.8, Tahsil & P.S. Simga, District Baloda-Bazar-Bhatapara, C.G.

(Plaintiff)
---- Petitioner

Versus

1. Nanhe Bai, W/o Ghurva Satnami, aged about 55 years, R/o Village Darchura, P.H.No.8, Tahsil & P.S. Simga, District Baloda-Bazar-Bhatapara, C.G.

(Defendant 1)

2. State of Chhattisgarh, Through Collector, District Baloda-Bazar-Bhatapara, C.G.

(Defendant No.2)
---- Respondents

For Petitioner:	Mr. Hemant Gupta, Advocate.
For State/Respondent No.2:	Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

17/10/2016

1. Heard on admission.
2. By the impugned order, the plaintiff's first appeal has been dismissed being barred by limitation.
3. A coordinate Bench of this Court in the matter of **Panku Sukhlal Halba and others v. Manbha Bai Sukhlal and another**¹ has held that second appeal is maintainable even when the first appeal is dismissed as time barred.
4. In view of the above, Mr. Hemant Gupta, learned counsel appearing for the petitioner / plaintiff seeks permission to withdraw

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this writ petition with liberty to file second appeal.

5. The prayer is fair and reasonable.
6. The petition is dismissed as withdrawn with aforesaid liberty. No order as to cost(s).
7. Certified copy of the order impugned be returned to counsel for the petitioner on his furnishing a duly attested Photostat copy of the same.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma