

AFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 596 of 2016**

Smt. Sushmita Yadav, W/o. Shri Aswani Kumar Yadav, D/o.
Late Shri Satish Yadav, aged about 39 years, R/o. Infront of
Maa Durga Welding Works, Naharpara Road Urla Durg. Thaan
& Tahsil – Durg, Civil & Revenue Distt. - Durg (C.G.)

...Proposed Plaintiff

---- PETITIONER

Versus

1. Balram Singh Yadav, S/o late Birbal Yadav, R/o- Yadav
Complex, Sharda Chowk, Banjari Road, Raipur, Civil &
Revene Distt. Raipur (C.G.) Plaintiff
2. Jagdish Chandra Pasrija, S/o Late Lala Kashiram Pasrija, aged
about 74 years, R/o.J.K Paper Converting Industries, Yadav
Complex, Sharda Chowk, Banjari road, Civil & Revenue Distt.
Raipur (C.G.)

Present Address-C-27, RMS Colony, Tagore Nagar Raipur,
Police Station- Tikrapara, Raipur, Civil & Revenue Distt. Raipur

..... Defendant

..... RESPONDENTS

For Petitioner : Mr. Sunil Sahu, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

17/10/2016

Heard on admission.

(1) On 10.5.1999 one Mannilal Yadav in his capacity as the
Karta/Manager of the joint Hindu family filed a suit for eviction and
arrears of rent against defendant – Jagdish Chandra Pasrija. During
pendency of the civil suit, Mannilal Yadav expired on 24.01.2008 and
therefore Balram Singh Yadav (brother of deceased Mannilal Yadav)

was substituted in his place.

(2) The objection was raised by the petitioner- Smt. Sushmita Yadav herein that she being the grand-daughter of late Manilal Yadav be also impleaded as party in the civil Suit, which was rejected by the trial Court vide order 25.04.2008 and that order has attained finality as the same has not been challenged.

(3) Defendant- Jagdish Chandra Pasrija has filed an application under Order 7 Rule 11 of the CPC on the same ground, which was also dismissed by the trial Court on 02.09.2008. That order was challenged by the defendant before this Court in W.P. (C) No.6084/2008, in which this Court has found no ground to interfere with order dated 2.9.2008 holding that issue has already been decided.

(4) Having heard learned counsel appearing for the petitioner and perusing the order impugned and considering the nature of suit which is suit for eviction, I do not find any reason to interfere with the order impugned warranting interference by this Court in this petition.

(5) Accordingly, the writ petition is liable to be and is hereby dismissed. No order as to costs.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

