

AFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 1003 of 2015**

Rajinder Singh Ajmani, S/o Late Shri Sant Singh, aged about 46 years, R/o Near Itwari Bazar, P.S. City Kotwali, Raigarh, Tahsil and District-Raigarh (C.G.) Applicant.

---- PETITIONER**Versus**

1. Fulkunwar, Wd/o Fagulal, aged about 48 years,
2. Raghunath, S/o Late Chhotelal, aged about 56 years,
3. Kumari Aashachakradhari, D/o Late Faguram, aged about 21 years,
2. Gopi Chakradhari, S/o Late Faguram, aged about 19 years,

All the respondents/non-applicants are resident of Kewadabadi, Puchhapara, Near Shiv Mandir, Kumharpara, P.S. City Kotwali, District – Raigarh (C.G.) ...Non-applicants

---- Respondents

For Petitioner : Mr. Prakash Tiwari, Advocate.

For respondents : Mr. Ravindra Agrawal, Advocate, on
advance copy.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****24/10/2016**

(1) Suit filed by the plaintiff/petitioner has been dismissed by the trial Court holding it to be barred by plea of *res judicata*, against which petitioner/plaintiff preferred review petition, which has been dismissed by the trial Court holding that there is no error apparent on the face of the record.

(2) Feeling aggrieved against the order rejecting the review petition, instant writ petition under Article 227 of the Constitution of India has been filed by the petitioner questioning the same.

(3) Shri Prakash Tiwari, learned counsel appearing for the petitioner would submit that the trial Court has committed illegality in the rejecting the review application filed by the petitioner and therefore writ petition is liable to be dismissed.

(4) Mr. Ravindra Agrawal, learned counsel appearing for the respondents would submit that against order of Court rejecting review petition is not maintainable if basic judgment is not assailed in view of recent judgment of the Supreme Court in the matter of **Bussa Overseas and Properties (P) Ltd. And another Vs. Union of India and another**¹.

(5) At this stage, learned counsel appearing for the petitioner would submit this petition may be disposed of permitting the petitioner to prefer appeal before the appellate Forum.

(6) Prayer appears to be fair & reasonable.

(7) Accordingly, the writ petition stands finally disposed of. However, the petitioner is at liberty to prefer appeal in accordance with the provisions contained in the Code of Civil Procedure against the judgment and decree dated 11.04.2013.

(8) The certified copy of the order rejecting review application be returned to the counsel for the petitioner, after furnishing an attested photocopy thereof.

Sd/-

(Sanjay K. Agrawal)

Judge

D/-

¹ AIR 2016 SC 938

