

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 335 of 2015

1. Chhattisgarh Power and Coal Benefaction Limited, through Shikhar Agrawal S/o Shri Ramavtar Agrawal, aged about 28 years, Managing Director Chhattisgarh Power and Coal Benefaction Limited, Agrawal Bhawan, Shiv Mandir Road, Vidya Nagar, Bilaspur, Tahsil & District Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Trading Corporation, through Shri S.P. Lakpa, Deputy General Manager, State Trading Corporation, Nilhat House, 9/10 Floor, 11 R.N. Mukherjee Road, Kolkata, West Bengal
2. Federal Bank Limited through its Branch Manager, Federal Bank Limited, Ground Floor, Lalganga Shopping Marg, Raipur, Tahsil & District Raipur, Chhattisgarh

---- Respondents

For Petitioner – Shri B.D.Guru and Shri Rajendra Tripathi, Advocates.

For Respondent No.1 – Shri Arvind Sinha, Advocate.

For Respondent No.2 – None, though served.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

17/02/2016

1. It is submitted on behalf of respondent No.1 that looking to the facts of the case, the instant WP(227) is not maintainable, miscellaneous appeal would lie under the provision of Order 43 Rule 1(r) of the CPC as the petitioner is challenging the order passed by the District Judge, Bilaspur, C.G. dated 26-03-2015 in an application under Order 39 Rule 1 and 2 of the CPC.
2. On the other hand, learned counsel for the petitioner opposed the above submission.
3. Heard on the point.
4. From perusal of the impugned order and the provisions of law, in the considered view of this Court, against the order impugned a miscellaneous civil appeal as provided under Order 43 Rule 1(r) of the CPC would lie. Since as

per procedural law, the remedy is available, the instant WP(227) is dismissed as not maintainable.

5. The petition dismissed.
6. No order as to cost.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE