

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 406 of 2015**

Ghasi Ram Sahu S/o Late Shri Chhabilal Sahu Aged About 68
Years R/o Vidyut Nagar, Durg, Tahsil And District Durg Chhattisgarh

---- Petitioner/ Plaintiff**Versus**

1. Nirmal Singh Dhanna S/o Shri Surat Singh Dhanna Aged About 46
Years R/o Near Durg Mandir Kadambari Nagar, Durg, Tahsil And
District Drug Chhattisgarh
2. Kanwaljeet Kaur W/o Shri Machhander Singh Aged About 33 Years
R/o Near Durg Mandir Kadambari Nagar, Durg, Tahsil And District
Drug Chhattisgarh

---- Respondents

For the Petitioner	:	Shri Arvind Dubey, Advocate.
For the Respondents	:	Shri Uttam Pandey, Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order on Board****03/03/2016**

1. With the consent of both the parties the matter is heard finally at the motion stage.
2. After perusal of the impugned order dated 23.4.2015 whereby and whereunder it was appreciated by the trial Court that both the parties submitted that demarcation of the alleged land belonging to their ownership has already been done, hence, the Court finds it improper for re-demarcation of the suit land. The Court further observed that there is no requirement and necessity for re-demarcation as the parties are free to prove their pleadings on the basis of appropriate evidence and the stage is yet to come to prove the alleged demarcation proceedings by the respective parties and thereby the Court below rejected the prayer made on behalf of

the Plaintiff/ Petitioner under Order XXVI Rule 9 of the Code of Civil Procedure, 1908 (in short 'the Code').

3. From perusal of the above appreciation of the Court below it shows that the element to prove the pleadings of the parties also by adducing evidence regarding demarcation proceedings conducted by the parties are yet open to both the parties.

4. With the aforesaid observation, I do not see any reason to interfere with the order passed by the Court below. The parties are free to prove their pleadings by adducing appropriate evidence permissible under the law.

5. Consequently, the instant W.P.(227) is disposed of without any appreciation on its merits.

6. No order as to costs.

Sd/-
Chandra Bhushan Bajpai
Judge