

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MA No. 8 of 2016**

Ahivaran S/o Tikaram Patel, Aged About 58 Years R/o Kurrubhatha,
Tahsil Kharsiya, Revenue District Kharsiya, Civil District- Raigarh, CG

Defendant/**Appellant**

Versus

Sunni Bai D/o Banmali Sahu, Aged About 56 Years Kurrubhatha, Tahsil
Kharsiya, Revenue District Kharsiya, Civil District- Raigarh, CG

(Plaintiff)/ **Respondent**

For appellant : Mr. Vivek Tripathi, Adv.
Service report of respondent is awaited.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

09/12/2016

1. At the outset, learned counsel for the appellant prays that appeal may be disposed of with the liberty to the appellant to raise all the issues regarding *res judicata* and after formulation of issues on the basis of pleadings of the parties, if the issue of *res judicata* may be disposed of as a preliminary issue, the said issue may be directed to be decided as preliminary issue in the matter.
2. As prayed, this appeal is disposed of as withdrawn without appreciation on merit. The trial Court is directed to formulate the issue as per law on the basis of the pleadings of the parties and if issue regarding *res judicata* may be disposed of as preliminary issue, decide the same as per provisions of law.
3. Misc. Appeal is disposed of accordingly.
4. No order as to costs.

Sd/-
(Chandra Bhushan Bajpai)
Judge