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HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 166 of 2017**

Chhabilal S/o Late Shri Narbada Prasad, Caste Jaiswal, Aged About 63 Years R/o Village Ward No.3, Gopiband Para, Pandariya, Distt. Kabirdham (Chhattisgarh)

---- Petitioner**Versus**

1. Jhaduram S/o Hagaru, Aged About 45 Years, by Caste Satnami, R/o Village Tenduwadih, Thana & Tehsil Pandariya, Distt. Kabirdham, (C.G.)
2. Santosh, S/o Kanhaiya, Aged About 45 Years, by Caste Satnami, R/o Village Tenduwadih, Thana & Tehsil Pandariya, Distt. Kabirdham, (C.G.)
3. Gohadi Bai, W/o Jagdish, Aged About 50 Years, by Caste Satnami, R/o Village Tenduwadih, Thana & Tehsil Pandariya, Distt. Kabirdham, (C.G.)
4. Komal, S/o Jagdish, Aged About 40 Years, by Caste Satnami, R/o Village Tenduwadih, Thana & Tehsil Pandariya, Distt. Kabirdham, (C.G.)
5. State Of Chhattisgarh, Through Collector, Kabirdham (C.G.)

---- Respondents

For Petitioner : Shri Sanjay Patel, Advocate.
 For Respondent No. 5/State : Shri S. Majid Ali, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****17/03/2017**

(1) By the impugned order dated 10.11.2016, plaintiff's application under Order 26 Rule 9 of the CPC has been rejected by the trial Court holding that similar applications filed for appointment of Revenue Commissioner has been twice rejected by the trial Court, against

which, the instant writ petition under Article 227 of the Constitution of India has been filed questioning the same.

(2) Mr. Sanjay Patel, learned counsel appearing for the petitioner would submit that the impugned order is bad & unsustainable in law, which is liable to be dismissed.

(3) Per contra, Shri S. Majid Ali, learned counsel for the State opposes the writ petition and support the order impugned.

(4) I have heard learned counsel appearing for the parties and perused the order impugned with utmost circumspection.

(5) Trial Court has clearly recorded a finding that the petitioner's earlier applications filed under Order 26 Rule 9 of the CPC for appointment of the Revenue Commissioner have been rejected by the trial Court vide orders dated 31.3.2013 and 15.4.2015, respectively, as such this order has attained finality.

(6) In view of above discussion, this Court is of the opinion that the trial Court is absolutely justified in rejecting the petitioner's application filed under Order 26 Rule 9 CPC for appointment of Revenue Commissioner and I do not find any good ground to entertain this writ petition filed under Article 227 of the Constitution of India.

(7) Accordingly, the writ petition fails and is hereby dismissed.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-