

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.649 of 2017**

Dr. Gunish Chandra Shakar S/o Late Fannulal Sonkar Aged About 54 Years R/o Purani Basti, Gopiyapara, Police Station Purani Basti, Raipur Chhattisgarh.

---- Petitioner**Versus**

1. Krishnakant Mishra S/o Shri Ram Kishore Mishra Aged About 19 Years R/o Gopal Bhawan, Baniyapara, Police Station - Purani Basti Raipur Chhattisgarh . (Decree Holder)
2. Vishnu Sonkar S/o Late Fannulal Sonkar R/o Danteshwari Mandir, Malsai Talab Road, Gopiyapara Police Station- Purani Basti, Raipur Chhattisgarh.
3. Dharmin Bai Sonkar Vishnu Sonkar R/o Danteshwari Mandir, Malsai Talab Road, Gopiyapara Police Station- Purani Basti, Raipur Chhattisgarh.

--- Respondents

For Petitioner : Mr. A.K. Prasad, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

11/09/2017

(1) Learned counsel appearing for the petitioner would submit that the trial Court by order dated 02.08.2017 has rejected the application under Section 151 of CPC for demarcation of the decreed land, which is unsustainable and bad-in-law.

(2) I have heard learned counsel for the petitioner and perused the impugned order.

(3) The Appellate Court has clearly recorded a finding that the

plaintiff's suit has been decreed directing the petitioner/judgment debtor to deliver the possession of the suit land way back on 06.10.1998 but till this date the possession has not been handed over in order to deprive the plaintiff to the fruits of a decree.

(4) After hearing learned counsel for the petitioner and after going through the impugned order, the trial Court has rightly rejected the application by the impugned order in which I do not find any jurisdictional error as suit has been decreed long back and only to deprive the respondent No.1, the objection was filed.

(5) Consequently, the writ petition deserves to be and is accordingly dismissed. No order as to costs.

Sd/-
(Sanjay K. Agrawal)
Judge

L/-