

HIGH COURT OF CHHATTISGARH, BILASPUR

WP (227) No.586 of 2016

Budhram S/o Late Shri Kashiram Dewangan, aged about 62 years,
R/o Village Kharora, Tahsil-Tilda, P.S.-Tilda, Dist-Raipur (CG)

---- Petitioner

Versus

1. Samaru S/o Buchwa Yadav aged about 55 years R/o Ward No.7,
near house of Dr.Vinayak Thakur, Kharora, Sub Tahsil-Kharora,
Tahsil Tilda, Dist-Raipur (CG)
2. State of Chhattisgarh Through-Collector, Raipur, District Raipur
(CG)

---- Respondents

For Petitioner	: Ms Deepali Pandey, Advocate
For Respondent No.1	: Mr.Ravi Mahobia, Advocate
For Respondent No.2	: Mr.Arvind Dubey, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

20/7/2017

1. By the impugned order, the plaintiff's application for appointment of Commissioner under Order 26 Rule 9 of the CPC has been rejected, against which, this writ petition has been filed.
2. Learned counsel for the petitioner would submit that there is prima-facie error in the impugned order.
3. On the other hand, learned counsel appearing for respondent No.1 would submit that temporary injunction is already running in favour of the plaintiff/petitioner.
4. I have heard learned counsel for the parties and perused the impugned order.
5. There is no dispute as to the identity of the suit land and case of the petitioner is that respondent No.1 is trying to dispossess him, whereas temporary injunction is already operating in favour of the petitioner/plaintiff. I do not find any illegality in the impugned order.

6. Accordingly, the writ petition is dismissed. However, the petitioner/plaintiff is at liberty to file demarcation report after demarcating the same in accordance with the Chhattisgarh Land Revenue Code, 1959. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-