

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 46 of 2017**

1. J.C.Banarji @ Jagdish Chandra Bandopadhaya S/o Late Shri K. P. Banarji Aged About 64 Years R/o Vivekanand Nagar, Mopka, P. S. Sarkanda, Tahsil & District Bilaspur (Chhattisgarh)
2. Anand Kumar, S/o Shri Parikshit Kumar Aged About 48 Years Through J. C. Banarji R/o Vivekanand Nagar, Mopka P. S. Sarkanda, Tahsil & District Bilaspur (Chhattisgarh)
3. Sarkari Karmachari Sahkari Grah Nirman Samati Maryadit, Registration No. 3157 Railway Colony, Pr. Re. Mopka, Through J. C. Banarji S/o Late Shri K. P. Banarji R/o Vivekanand Nagar, Mopka P. S. Sarkanda, Tahsil & District Bilaspur (Chhattisgarh)

---- Petitioners**Versus**

1. Ghanshyam Das Gangwani S/o Late Vadhupal Gangwani Aged About 72 Years R/o Main Road Juna Bilaspur In Front Of Laxmi Talkies, P. S. City Kotwali, Tahsil & District Bilaspur (Chhattisgarh)
2. State Of Chhattisgarh, Through The Collector, Tahsil And District Bilaspur (Chhattisgarh)

---- Respondents

For Petitioners	:	Shri Ajay Kumar Dwivedi, Advocate
For Respondents-State	:	Shri Shashank Thakur, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****19/01/2017**

1. Petitioners' application under Order 13 Rule 10 CPC for summoning of record has been rejected by the trial Court on the ground that another application claiming same relief was earlier dismissed on merits on 26.04.2016, therefore, for the same reason the present application is dismissed.

2. Admittedly, the petitioner has not assailed the legality and validity of the earlier order dated 26.04.2016 by preferring any petition under Article 227 of the Constitution of India, therefore, the petitioner being acquiesced with the issue is not entitled to move again before the trial Court claiming same relief because the provisions of *res judicata* applies between the same parties at the interim stage of the same proceeding.
3. There is no substance in this writ petition. It is accordingly dismissed.

Sd/-

Judge
Prashant Kumar Mishra

Ashu