

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.A No.74 of 2014**

1. Shantilal, S/o Dilsai Rathia Aged About 40 Years R/o Khamhar, Thana & Tah. Kharsia, Distt. Raigarh C.G.
2. Paimasi Ram S/o Bhimha Rathia Aged About 42 Years R/o Nagoi, Thana & Tah. Kharsia, Distt. Raigarh C.G.

---- Appellants**Versus**

1. Dilmohan, S/o Lalit Singh Rathia Aged About 45 Years R/o Khamhar, Thana And Tah. Kharsia, Distt. Raigarh C.G.
2. State Of Chhattisgarh Thru- Collector, Collectorate Office, Raigarh C.G.

-----Respondents

For Appellants:	Shri Arvind Shrivastava, Advocate.
Respondent No.2/State:	Shri RK Jaiswal, Panel Lawyer.

Single Bench: Hon'ble Shri Sanjay Agrawal, J
Order On Board

13.11.2017

1. This Miscellaneous Appeal has been preferred under Order 43 Rule 1 Code of Civil Procedure, 1908 against the order dated 10.7.2014 passed by the 2nd Additional District Judge, Raigarh in Civil Suit No.37-A/2013 by which the Plaintiff's application filed under Order 39 Rules 1 & 2 Code of Civil Procedure was allowed.

2. During the course of the arguments, it is pointed out that the judgment and decree has already been delivered in the suit on 30.11.2015 by dismissing the Plaintiff's claim. In view of the said fact, the order impugned has already been merged into the judgment and decree dated

30.11.2015 as passed by the trial Court. Therefore, this Miscellaneous Appeal questioning the said interim order has become infructuous.

3. Accordingly, the instant Appeal is dismissed as having been rendered infructuous. No order as to costs.

Sd/-

(Sanjay Agrawal)
JUDGE

Priya