

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.600 of 2017**

Rajendra Kumar Mourya S/o Late Shri Ramnath Mourya, Aged About 53 Years R/o Bannak Sirgitti, Bilaspur, Tahsil & District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. Ganesh Prasad Shrivastava S/o Late Sahas Ram Shrivastava, Aged About 86 Years R/o Bannak Sirgitti, Bilaspur, Tahsil & District Bilaspur, Chhattisgarh.
2. State Of Chhattisgarh, Through Collector Bilaspur, District Bilaspur, Chhattisgarh.

--- Respondents

For Petitioner : Mr. Arvind Shrivastava, Advocate
 For State : Mr. Gary Mukhopadhyay, Dy.G.A.

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

29/08/2017

(1) By the impugned order dated 28.06.2017, the trial Court has rejected the petitioner's application under Order 26, Rule 9 of CPC for appointment of Commissioner for local inspection of disputed land.

(2) Learned counsel appearing for the petitioner would submit that the petitioner has committed jurisdictional error in rejecting the application.

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

(4) Admittedly, the trial Court has rejected the application on the

ground that the Order 26 Rule 9 of CPC cannot be allowed to collect the evidence . In my considered opinion is that there is no dispute with identity of the land between the parties. The trial Court has assigned sufficient and valid reasons in rejecting the application. I do not find any jurisdictional error in the same.

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

Sd/-
(Sanjay K. Agrawal)
Judge

L/-