

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WP227 No. 479 of 2014**

- Shiv Kumar Jaiswal S/o Late Satya Narayan Jaiswal Aged About 59 Years R/o Main Road Korba, Tehsil & Distt. Korba C.G.

**---- Petitioner****Versus**

1. State Bank Of India S/o Main Branch Korba Through Its Branch Manager, State Bank Of India Korba, Distt. Korba C.G.
2. Regional Manager State Bank Of India Near Ashok Vatika T.P. Nagar, Korba Tehsil & Distt. Korba C.G.

**---- Respondents**


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| For Petitioner:   | Mr. Anup Majumdar, Advocate  |
| For Respondents : | Mr. Abhishek Sinha, Advocate |

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**Hon'ble Shri Justice P. Sam Koshy****Order on Board****03.03.2017**

1. The present Petition has been preferred assailing the order dated 22.04.2014 passed by the District Judge, Korba in M.J.C. No.60/2014. Vide the said impugned order the Court below has rejected the civil suit filed by the Petitioner on the ground of it being barred by limitation as per Section 14 of the Limitation Act.
2. Shri Abhishek Sinha, Advocate appearing for the Respondents at this juncture submits that present Petition would not be maintainable for the reason that the rejection of the compliant means finally deciding of the suit itself and it would also fall within the ambit of a judgment and decree. Therefore the recourse available to the Petitioner would only be a duly constituted appeal under Section 96 of the Cr.P.C. He supports his contention from the judgment passed by this Court in case of **Ramayan Sharma v. Smt. Sita Devi and**

**Others** reported in **2016 AIR CG 2721 (CHH).**

3. Learned Counsel for the Petitioner at this juncture submits that since the rejection was under Section 14 of Limitation Act, the Petitioner has presumed that final judgment has not been passed as such has preferred this Petition under Article 227 of the Constitution of India.
4. Be that as it may, since there already is an authoritative decision been passed by the coordinate bench of this Court in case of Ramayan Sharma (supra), the present Petition also stands decided on similar terms holding the present Writ Petition to be not maintainable. The Petitioner however shall have the liberty to prefer a duly constituted appeal against the impugned order. He also can avail the benefits under Section 14 of the Limitation Act for the purpose of explaining the limitation in not filing the First Appeal within the stipulated period.
5. Accordingly, the present Writ Petition stands dismissed.

Sd/-

(P. Sam Koshy)  
**JUDGE**