

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 167 of 2015***{Arising out of Order dated 08.01.2015 passed in MJC No. 11 of 2013 by the District Judge, Balod}*

Shyamlal Aged about 55 years, S/o Dhirpal Dhankar, R/o village Rajoli, Tahsil Gunderdehi, District Balod, Chhattisgarh.

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

1. State of Chhattisgarh, Through the Collector, Durg, Chhattisgarh.
2. The Divisional Forest Officer, Forest Division, Durg, Chhattisgarh.

---- **Respondents.**

For Petitioner : None.

For Respondent/State : Shri Y.S.Thakur, Additional Advocate General.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice**Order on Board****05/12/2017**

1. This writ petition instituted under Article 227 of the Constitution of India, is against rejection of an application for permission to sue as an indigent person in terms of the provisions of Order 33 of the Code of Civil Procedure, 1908; for short the 'Code'.
2. This matter is not yet admitted. The Respondents/State has filed its return.
3. The impugned order is one appealable under Order 43 Rule 1(na) of the Code. The said order being an appealable order, petition under Article 227 of the Constitution is not to be entertained. This position notwithstanding, the learned Additional Advocate General submits that consequent upon the impugned order, the suit of the Petitioner has been dismissed (plaint has been rejected?).
4. In the result, this petition is dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE