

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 64 of 2013**

1(B) Satish Kumar Tamrakar, son of Late Sarjoo Prasad Tamrakar, aged about 54 years.

(C) Devdas Tamrakar, son of Late Sarjoo Prasad Tamrakar, aged about 47 years.

(D) Nitish Tamrakar, son of Late Sarjoo Prasad Tamrakar, aged about 45 years.

All residents of Tamerpara Durg, Tahsil, P.S. and District Durg, (C.G.)

(E) Smt. Neeta Tamrakar, wife of Jaiprakash Tamrakar, aged about 56 years, residence of New Khursipar, Bhilai, Tahsil, P.S. and District Durg, (C.G.)

(F) Smt. Rooplekha Tamrakar, wife of Vidhya Bhusna Tamrakar, aged about 49 years, residence of village Dhamdha, District Durg, Chhattisgarh.

(G) Smt. Pushplata Tamrakar, wife of Shri Sanjeev Tamrakar, aged about 32 years, residence of Dongargarh, P.S. Dongargarh, District Rajnandgaon (C.G.)

---- Petitioners.

Versus

1(A) Chandraprakash, aged about 45 years

(B) Dinesh Kumar, aged about 40 years. Both resident of Tamerpara, P.S. Durg, District Durg, Chhattisgarh.

(C) Smt. Malti Devi, wife of Dasrath Tamrakar, aged about 43 years.

Resident of Juna Bilaspur (Kewatpara Pachrighat), P.S. City Kotwali, Bilaspur, District Bilaspur, Chhattisgarh

(D) Smt. Pushpa Bai, wife of Shri Girish Tamrakar, aged about 38 years,

Residence of Tamerpara, P.S. Durg, District Durg (C.G.)

(E) Smt. Neetu Bai, wife of Shri Anil Tamrakar, aged about 36 years. \

Residence of Tamerpara, P.S. Durg, District Durg, (C.G.)

2. Shri Prakash Tamrakar, son of Shri Laxminath Tamrakar, aged about 40 years, residence of Supela (Purani Basti), Near the House of Shri Bhagwati Prasad Tamrakar, Tahsil, P.S. and District Durg, Chhattisgarh.

3. Smt. Mithila Devi, wife of Shri Sukhdev Tamrakar, aged about 45 years, residence of Tamerpara, P.S. Durg and District Durg, Chhattisgarh.
4. Smt. Sahodra, wife of Shivcharan Tamrakar, aged about 60 years, residence of Girdhari Nagar, Durg, Tahsil, P.S. and District Durg, Chhattisgarh.
5. Smt. Shanti Bai, wife of Radhelal Tamrakar, aged about 45 years, residence of Supela, Bhilai, P.S. Supela, Tahsil and District Durg, Chhattisgarh.
6. Smt. Kanti Bai, wife of Brijgopal Tamrakar, aged about 40 years, residence of Nandini Town Ahiwara, Tahsil and P.S. Dhamdha, District Durg (C.G.)
7. Shri Ashok Kumar Verma, son of Shri M.L. Verma, aged about 35 years, residence of Gavlipara, Durg, Tahsil, P.S. and District Durg, Chhattisgarh

---- Respondents/Defendants

For Petitioners : Mr. C.J.K. Rao, Advocate.
For Respondents : Mr. Manoj Paranjpe, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

27/08/2018

- (1) The plaintiffs' suit has been dismissed for non compliance of the provisions contained in Order 6 Rule 14 of the Code of Civil Procedure, against which instant writ petition has been filed questioning the same.
- (2) After hearing learned counsel appearing for the parties and after perusal of the impugned order, I am of the opinion that since the suit itself has been dismissed for non compliance of the provisions contained in Order 6 Rule 14 CPC, it has a force of decree and only remedy of the petitioner to file appeal under Section 96 read with Section 41 of the Code of Civil Procedure.
- (3) In view of that, the writ petition is dismissed as not maintainable. However, the petitioner is at liberty to file appeal in accordance with law.
- (4) Certified copy of the impugned order and other relevant documents be returned to counsel for the petitioner, after furnishing attested copy thereof.

Sd/

(Sanjay K. Agrawal)

Judge

D/-