

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WP227 No.943 of 2017**

Manbodh Son of Late Shri Anjor Singh Aged About 54 Years R/o Village And Post Pirda, Sub Tahsil Sankra, Thana-Sankra, Civil And Revenue District Mahasamund, Chhattisgarh

----Petitioner**Versus**

1. Jagdish Patel S/o. Shri Paitpal Patel (Aghariya), aged about 64 years, R/o. Village & Post-Pirda, Sub Tahsil-Sankra, Thana-Sankra, Civil & Revenue Distt. Mahasamund (CG)
2. Virendra Kumar Patel S/so. Shri Paitpal Patel (Aghariya) Aged About 54 Years R/o Village And Post Pirda, Sub Tahsil-Sankra, Thana- Sankra, Civil And Revenue District Mahasamund, Chhattisgarh
3. Manketan, Son Of Late Shri Anjor Singh, Aged About 58 Years
4. Smt. Hemo Bai, D/o Late Shri Anjor Singh, Aged About 56 Years
5. Smt. Dashoda Bai, D/o Late Shri Anjor Singh, Aged About 53 Years
6. Smt. Manmoti D/o Late Shri Anjor Singh, Aged About 52 Years
7. Munu Lal, S/o Late Shri Anjor Singh, Aged About 50 Years
8. Smt. Indu Bai, D/o Late Shri Anjor Singh, Aged About 48 Years
9. Smt. Rewti Bai, Wd/o Late Shri Anjor Singh, Aged About 75 Years

Respondents No.2 to 8 are R/o Village And Post- Pirda, Sub Tahsil- Sankra, Thana-Sankra, Civil And Revenue District Mahasamund, Chhattisgarh

10. State Of Chhattisgarh, Through Collector, Mahasamund, District Mahasamund, Chhattisgarh

---- Respondents

 For Petitioner : Mr.Sunil Sahu, Advocate
 For Respondents No.1 to 3 : Mr.A.K.Prasad, Advodate
 For Respondent No.10 : Mr.Arun Sao, Dy.A.G.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****11/09/2018**

1. The trial Court by order dated 20.9.2017 directed that Issue No. 4 and 5 will be decided as preliminary issue. Thereafter, on 23.11.2017 the trial Court at the request of learned counsel for the parties recorded that Issue No.3 and 6 will also be decided along with Issue

No.4 and 5 and posted the case for evidence. Against which, this writ petition has been filed by the petitioner herein.

2. Learned counsel for the petitioner would submit that the petitioner's counsel has not made any concession before the trial Court and the trial Court without making such concession recorded such a concession in the order-sheet, which is unsustainable and bad in law.
3. On the other hand, learned counsel for respondents No.1 to 3 would oppose the submission and submit that the petitioner's counsel has made such concession, which has been recorded by the trial Court in the order-sheet.
4. I have heard learned counsel for the parties and perused the impugned order.
5. Since it has been recorded in the order-sheet that the petitioner's counsel has also consented for trial of Issue No.3 and 6 along with Issue No.4 and 5, it would be expedient to allow the petitioner to file an application before the trial Court for recall of order that no such concession was given on their behalf as recorded in the order-sheet.
6. If such an application is filed for recalling/modification of the order dated 23.11.2017 within seven days, the trial Court will consider and decide the same expeditiously preferably within a period of two weeks from the date of receipt of certified copy of this order.
7. With the aforesaid observation, the writ petition finally stands disposed of. No cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-