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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (227) No. 723 of 2018

1. Mangtu Ram, S/o Dhusiram, aged about 71 years, Caste- Muriya

2. Dhallu, S/o Gando, aged about 50 years, Caste- Muriya,

Both are residing at Kararmeta, Tehsil- Keshkal, District- Kondagaon, Chhattisgarh (Defendants No. 1 & 2)

----Petitioners

Versus

1. Budhanteen, S/o Chamru, aged about 56 years, Caste-Gond, R/o Kararmeta, Tehsil- Keshkal, District – Kondagaon, Chhattisgarh ……Plaintiff

2. State of Chhattisgarh, through District Collector, Kondagaon, Chhattisgarh

….Defendant No. 3

---- Respondent

For Petitioner : Shri Akhilesh Mishra, Advocate.
For Respondent No. 2 : Shri Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

21/08/2018

(1) By the impugned order dated 16.07.2018, first appeal filed by appellants/defendants No. 1 & 2 has been dismissed as barred by limitation by rejecting their application filed under Order 41 Rule 03 of the Code of Civil Procedure read with Section application under Section 5 of the Limitation Act.

(2) I have heard learned counsel appearing for the petitioner.

(3) Since the aforesaid order dated 16.07.2018 has a force of decree, the second appeal would lie against that order, as such, the writ petition is liable to be dismissed as not maintainable.

(4) Accordingly, the writ petition is dismissed as not maintainable. However, the petitioner is at liberty to proceed in accordance with law.

(5) Certified copy of the impugned order and other relevant documents be returned after furnishing attested copy thereof.

(6) With the aforesaid observations, the writ petition stands finally disposed of.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-