

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 421 of 2015**

Prakashchandra Wadhwani, aged 60 years, son of Hudrajmal Wadhwani, resident of Dayalband, Tahsil & District Bilaspur (C.G.)

----Petitioner/Applicant

Versus

1. Yatindranath Kesharwani, aged -28 years, son of Banshilal Kesharwani, resident of Nirala Nagar, Tahsil & District Bilaspur (C.G.)
2. State of Chhattisgarh, through Collector, Bilaspur (C.G.)
3. Parwati Bai, w/o Late Suritram, aged 57 years,
4. Laxminbai, S/o Late Suritram, aged 39 years,
5. Satibai, S/o Late Suritram, aged 27 years,
6. Jatibai, S/o Late Suritram, aged 35 years,
7. Shashikala, S/o Late Suritram, aged 19 years,

Respondents No. 3 to 8 are by caste – Satnami, resident of near Ameer Hotel, Magarpara Chowk, Tahsil & District – Bilaspur (C.G.)

---- Respondents.

For Petitioner : Shri Vijay Kumar Mishra, Advocate
For Respondent No. 1 : Shri R.N. Jha, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

19/11/2018

(1) The writ petition has been preferred against the order dated 23.04.2015 rejecting application under Section 5 of the Limitation Act, 1963 (henceforth "Act, 1963") and consequently dismissing the first appeal under Section 96 of the Civil Procedure Code. In the considered opinion of this Court, the order rejecting application under Section 5 of the Act, 1963 and consequently dismissing the appeal has a force of decree and appealable under Section 100 of the Code of Civil Procedure, therefore, the instant writ petition cannot

be entertained.

(2) Accordingly, the writ petition is dismissed as not maintainable. However, the petitioner is at liberty to file second appeal under Section 100 of the CPC in accordance with law.

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

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

