

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(227) No. 807 of 2018**

Dehraram Sahu S/o Late Rajaram Sahu, aged about 55 years, R/o Village
 Urla, Tahsil Patan, District Durg (C.G.) **---- Petitioner**

Versus

1. Smt. Bisan Bai W/o Late Daulal Sahu, aged about 69 years, R/o Village
 Tendua, Vyaya Hirapur, District Raipur (C.G.).
2. State of Chhattisgarh, through Collector, District Durg (C.G.)
--- Respondents

For Petitioner	:	Mr. Devershi Thakur, Advocate.
For Respondents	:	Mr. Ashish Surana, PL.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****24/09/18**

1. In the first appeal preferred by the petitioner / appellant, the application filed by the petitioner under Order 39 Rule 1 and 2 of CPC has been rejected by the First Appellate Court during the pendency of the first appeal against which this writ petition under Article 227 of the Constitution has been preferred.
2. Learned State counsel would take objection that miscellaneous appeal under Order 43 Rule 1(r) of the CPC would be maintainable.
3. Since the order is appealable under Order 43 Rule 1(r) of CPC, this writ petition is not maintainable.
4. Accordingly, this writ petition is disposed of. However, the petitioner would be at liberty to prefer an appeal in accordance with law. No cost(s).
5. Certified copy of the impugned order be returned to the counsel for the petitioner on furnishing attested photocopy thereof.

SD/-

(Sanjay K. Agrawal)
 Judge