

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (227) No. 849 of 2018**

1. Mongra Gupta, W/o Late Sharadchandra Gupta, aged about 50 years, R/o Om Nagar, Jarhabhata, Tahsil and District - Bilaspur (C.G.)

---- **Petitioner / Plaintiff**

Versus

1. Smt. Poonam Agrawal, W/o Shri Rajesh Agrawal, aged about 50 years, R/o Brihaspati Bazar, Bilaspur, Tahsil and District Bilaspur (C.G.)
2. Rajesh Agrawal, S/o Foolchand Agrawal, Aged about 50 years, R/o Brihaspati Bazar, Bilaspur, Tahsil and District Bilaspur (C.G.)

---- **Respondents**

For Petitioner

:

Shri Pushkar Sinha, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

04/10/18

1. The petitioner / plaintiff's application filed under Order 26 Rule 9 of CPC has been rejected by the trial Court by impugned order dated 30.08.2018 against which this writ petition has been preferred.
2. Learned counsel appearing for the petitioner submits that the impugned order is unsustainable and bad in law and is liable to be set aside.
3. I have heard learned counsel for the petitioner.
3. The trial Court has clearly recorded a finding that the suit land has been demarcated thrice at the instance of plaintiff and demarcation report has been produced before the Court and earlier also petitioner's application for appointment of Commissioner has been rejected. Since thrice the land in question has been demarcated and the plaintiff's application in this regard has already been rejected therefore, I do not find any merit in the writ petition.

4. Accordingly, the writ petition deserves to be and is hereby dismissed. No order as to cost(s). However, the petitioner is at liberty to prove the demarcation report in accordance with law.

SD/-

(Sanjay K. Agrawal)
Judge