

HIGH COURT OF CHHATTISGARH, BILASPUR
WP227. No.966 of 2018

Sundar Bharti S/o Late Shri Dashrath Bharti Aged About 62 Years R/o Village - Achanakpur, Bodri, District Bilaspur, Chhattisgarh. Presently Residing At Manmohan Nagar, Bada Patthar Ranjhi, Jabalpur, (Madhya Pradesh).

---- Petitioner

Versus

1. Neerabai W/o Shyam Bharti Aged About 48 Years.
2. Ashok Bharti S/o Shyam Bharti Aged About 27 Years.
3. Shashikaran S/o Shyam Bharti Aged About 30 Years.
Both R/o Achanakpur, Bodri, Tehsil Bilha, District Bilaspur Chhattisgarh.
4. Durga Bai W/o Roshan Aged About 25 Years R/o Near Kanker Bus Stand, Kanker Chhattisgarh.
5. Sharda W/o Manoj Bharti Aged About 23 Years R/o Devri Tilda, Tehsil Tilda, District Raipur Chhattisgarh.

---Respondent

For Petitioner	:	Shri Syed Ishhadil Ali, Advocate.
For Respondents	:	None.

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

16.11.2018

1. By the impugned order the plaintiff/petitioner's application under Order 26 Rule 9 read with Section 151 of the C.P.C has been rejected by the Court below, against which this writ petition has been preferred.
2. Learned counsel for the petitioner submits that the trial Court was absolutely unjustified in rejecting his application.
3. I have heard counsel for the petitioner and perused the impugned order.
4. The trial Court has clearly recorded a finding that there is no dispute with regard to the identity of the land and as such there is no need to appoint the Commissioner. Merely because some construction has been made during the pendency of the suit, it will be no ground to grant an application under Order 26 Rule 9 read with Section 151 of the C.P.C. Therefore, I do not find any perversity or illegality in the impugned order. However, as the suit is pending since 1.06.2011, therefore, It would be expedient to direct the trial Court to conclude the trial within a period of six months from the date of receipt of certified copy of this order. Ordered accordingly.
5. With the aforesaid observation and direction, the writ petition stands finally disposed off.
6. A copy of this order be sent to the concerned trial Court directly and through District Judge concerned.

Sd /-

(Sanjay K. Agrawal)
Judge