

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227. No. 573 of 2016**

Radhe Lal Yadav S/o Late Mr. Inder Singh Yadav, Aged About 60 Years R/o Village Dhanauli, Tehsil And P.S. Pendra Road, District Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. Sheetal Arnest Mcfar Land Aged About 46 Years R/o Jyotipur, Tehsil Pendra Road, District Bilaspur Chhattisgarh Present Address Damoh M.P. Through Mukhtaar Sumit Lal S/o G.S. Lal Aged About 48 Year R/o Choparakhurd, Damoh Madhya Pradesh.
2. State Of Chhattisgarh Through Collector District Bilaspur Chhattisgarh.

---Respondents

For Petitioner : Mr. Achyut Tiwari, Advocate.

For State : Mr. A.N. Bhakta, Dy. AG.

For respondent No.1 : Mr. Surfaraz Khan, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****10.01.2019**

1. Learned counsel for respondent No.1 submits that impugned order rejecting the application under Order 9 Rule 13 is appealable Under Order 43 Rule 1 D of the C.P.C.
2. Learned counsel for the petitioner would oppose.
3. Considering the facts that the order impugned is appealable, the present writ petition is held to be not maintainable and is hereby dismissed. However, petitioner is at liberty to avail remedy in accordance with law. A copy of this order be sent to the concerned trial Court directly and through Email and Fax.
4. Certified copy of the impugned order be returned to the learned counsel for the petitioner, after furnishing duly attested copy thereof. No costs.

Sd /-

(Sanjay K. Agrawal)

Judge