

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227. No. 57 of 2019

1. Ravi Gandharv S/o Shri Shiv Prasad Gandharv Aged About 40 Years R/o Village Mahamaya Para, Ratanpur, Tahsil Kota, District Bilaspur Chhattisgarh.
2. Smt. Anjana Gandharv W/o Shri Ravi Prakash Gandharv Aged About 35 Years R/o Village Mahamaya Para, Ratanpur, Tahsil Kota, District Bilaspur Chhattisgarh.

---- Petitioners

Versus

1. Jitendra Lal Gahvayee S/o Shri Kaliram Gahvayee Aged About 52 Years R/o Mangla, Bilaspur, Tahsil And District Bilaspur Chhattisgarh.
2. The State Of Chhattisgarh Through The District Collector, Bilaspur Chhattisgarh.

---Respondents

For Petitioners : Mr. Pushpendra Kumar Patel, Advocate.

For State : Mr. Vimlesh Bajpai, GA.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

25.01.2019

1. By the impugned order dated 22.09.2018, the trial Court granted the application under Order 26 Rule 9 of the C.P.C and directed the appointment of Commissioner, against which, this writ petition has been preferred.
2. Learned counsel for the petitioners submits that the trial Court is absolutely unjustified in granting the application under Order 26 Rule 9 of the C.P.C, therefore, the impugned order deserves to be set aside.
3. I have heard learned counsel for the petitioners and perused the impugned order.
4. The trial Court has clearly recorded a finding that dispute is identity of land between the parties and as such appointment of Commissioner

is necessary, in the light of the remand order passed by the learned District Judge, in which I do not find any merit in the writ petition.

5. Accordingly, the writ petition is liable to be and is hereby dismissed.

No cost(s).

6. A copy of this order be sent to the concerned trial Court directly and through Email and Fax.

Sd /-

(Sanjay K. Agrawal)
Judge

J/-