

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 77 of 2019**

Smt. Gyatri Bai, W/o Pandu Ram Pradhan, aged about 44 years, R/o Village – Dadgaon, At Present – Jashpur Nagar, Kadamtoli, Tahsil and District – Jashpur (C.G.)

----Petitioner/defendant No. 1

Versus

1. Chaitu Ram, S/o Late Dilram, aged about 42 years,

2. Bandu Ram, S/o late Dilram, aged about 46 years,

Both by Caste – Routhiya, R/o Jashpur Nagar, (Kadamtoli), Tahsil and District – Jashpur (C.G.) (Plaintiffs)

3. The State of Chhattisgarh, through Collector, Jashpur (C.G.) (Defendant No. 2)

---- Respondents

For Petitioner	:	Mr. A.K. Prasad, Advocate.
For Respondent No. 3/State	:	Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

01/02/2019

(1) By the impugned order dated 20.08.2018, defendant's application under Order 14 Rule 5 of the Code of Civil Procedure for framing additional issue has been rejected on the ground that suit is barred by Section 257(1)(g) of the Land Revenue Code against which instant writ petition has been preferred.

(2) I have heard learned counsel appearing for the petitioner.

(3) The trial Court has rightly rejected the application filed by the petitioner for framing additional issue, in which I do not find any illegality or perversity warranting interference under Article 227 of the Constitution of India. However, the petitioner is at liberty to raise this plea at the time of final hearing of the suit.

(4) With the aforesaid observations, the writ petition stands finally disposed of.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

