

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 165 of 2018**

1. Ku. Jyotsana, D/o. Late Bhagvendra Kumar Dubey, aged about 17 years,
2. Ku. Deepshikha, D/o. Late Bhagvendra Kumar Dubey, aged about 06 years,
3. Smt. Leena Dubey, wife of late Bhagvendra Kumar Dubey, aged about 37 years,

No. 1 & 2 are minor through their natural guardian mother Smt. Leena Dubey (petitioner No. 3)

All R/o. Chandmari, Diparapara, Beside the Santoshi Mandir, Azad Ward Milpara, Durg, Tahsil and District Durg (C.G.)

----Petitioners/Defendants.

Versus

1. Lalit Kumar, Son of Bhatirah Tapadiya, aged about 38 years,
2. Bhagirath son of late Premsukh Tapadiya, aged about 61 years,

Both R/o. B/27, Mahesh Colony, Pulgaon, Tahsil and District Durg (C.G.)

---- Respondents/plaintiffs

For Petitioners	: Smt. C.K. Navrang, Advocate.
For Respondents	: Shri Ashish Surana, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

17/01/2019

1. By way of this petition, the petitioners have challenged the order dated 23.09.2016 passed by 4th Additional District Judge, Durg in Misc. Case No. 94/2016.
2. Counsel for the petitioner submits that impugned order is bad & unsustainable in law, which is liable to be set aside.
3. On the other hand, counsel for respondents would submit that Miscellaneous Case No. 94/2016 has already been decided on 29.08.2017, as such, no cause of action survives for consideration.

4. I have heard learned counsel appearing for the parties.

5. Since Miscellaneous Case No. 94/2016 has finally been decided on 29.08.2017 and in this case interim order passed in that case has been challenged and, therefore, no cause of action survives for consideration. However, the petitioner is at liberty to challenge the order dated 29.08.2017 in accordance with law.

6. With the aforesaid liberty, the writ petition is finally disposed of.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

