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HIGH COURT OF CHHATTISGARH, BILASPUR**Second Appeal No.08 of 2004**

State of Chhattisgarh, through its Secretary, Department of
Commercial Tax, DKS Bhavan, Raipur (CG)

---- Appellant**Versus**

1. M/s. Pancharaghu Tak Ram Nivas & Co., Rajnandgaon through its General Power of Attorney holder Atal Bihari Dubey, S/o. Late Sharda Prasad Dubey, aged about 70 years, R/o. MP Housing Board Colony, GE Road, Rajnandgaon (CG)
2. Commissioner, Sales Tax, Indore (Madhya Pradesh)

---- Respondents

For the appellant : Shri Ravish Verma, Govt. Advocate
For the respondents : None

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

28.02.2019.

1. This appeal is directed against judgment and decree dated 05.11.2003 passed by District Judge, Rajnandgaon (CG) in Civil Appeal No.47A/2001 wherein the said Court affirmed the judgment and decree dated 17.8.2001 passed by First Civil Judge Class-I, Rajnandgaon passed in Civil Suit No.3A/1994 wherein the suit filed by the respondent No.1/plaintiff was decreed against the appellant for eviction from the suit premises situated at Housing Board Colony, Lalbagh, Rajnandgaon.
2. Learned counsel for the appellant/State submits that premises in question is already vacated by the appellant for which the decree has been passed and now there is no issue between the parties.

3. Looking to the fact that the decree is already executed, nothing is left to be decided by this Court, therefore, it is not a fit case for admission.

4. Accordingly, the appeal is liable to be and is dismissed at the motion stage itself.

Sd/-

(Ram Prasanna Sharma)
JUDGE