

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (227) No. 206 of 2019**

Phooleshwari Bai Wd/o Late Charan Das Mahant, aged about 46 years,
Cate Panika, R/o Village Tharakpur, Tahsil Kartala, District Korba (C.G.)

---- Petitioner**Versus**

1. Rameshwari Bai W/o Prakash Das, aged about 35 years.
2. Prakash Das S/o Harihar Das, Aged about 40 years

Both are R/o Village Tharakpur, Tahsil Kartala, District Korba (C.G.)

3. Sub Divisional Officer, Public Works Department, Sub Division Korba, District Korba (C.G.)
4. General Public.

---- Respondents

For Petitioner : Mr. Govind Dewangan, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****15.03.2019**

1. In a regular succession case, succession certificate was issued by the succession Court in favour of Rameshwari Bai and Prakash Das, against which, the present petitioner filed an application under Order 9 Rule 9 of the CPC for restoration of that case. That application has been rejected holding that provisions of Order 9 Rule 9 of the CPC is not applicable to the present case, against which, this writ petition has been preferred.

2. Learned counsel for the petitioner would submit that the impugned order is unsustainable and bad in law, which is liable to be set aside.

3. I have heard learned counsel for the petitioner on the question of admission of writ petition and perused the records with utmost circumspection.
4. Be that as it may, the petitioner is at liberty to file an appeal before the appellate Court against the order dated 26/11/2014 along with application for condonation of delay, if any.
5. The writ petition is disposed of with the aforesaid observation.

Sd/-
(Sanjay K. Agrawal)
Judge