

HIGH COURT OF CHHATTISGARH, BILASPUR

FA No. 261 of 2019

Hazi Abdul Kalam Raza, S/o Late Hazi Abdul Sattar, Aged About 50 Years, R/o 33/3, F. Sector-06, Bhilai, Tahsil & District- Durg (C.G.)

---- Appellant

Versus

1. Allahaz M. R. Ansari, Sadar Bhilai Nagar Masjid Trust Sector-6, Bhilai, Tahsil & District- Durg (C.G.)
2. State of Chhattisgarh, through the Registrar, Public Trust, Durg (C.G.)

---- Respondents

For Appellant	:	Mr. B.P. Singh & Mr. Shikhar Bakhtiyar, Advocates.
For Respondent No. 1	:	Mrs. Smita Jha, Advocate.
For State/ Respondent No. 2	:	Mrs. Shubha Shrivastava, PL.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

26/09/2019

1. This first appeal is preferred under Section 96 of the Code of Civil Procedure, 1908 against the order dated 02.03.2019 passed by District Judge, Durg (C.G.) in M.J.C. No. 30/2018.
2. The matter is related to public trust and this Court has ordered on 18.04.2016 in WPC No. 1821 of 2015 that the party to move to Registrar, Public Trust who will examine the matter and will take appropriate decision. As per the order, the party ought to have filed application before the Registrar, Public Trust, but that is not done that is why the trial court recorded finding that the suit is not maintainable as per Order 7 Rule 11 of the Code of Civil Procedure, 1908.

3. The remedy is available to the appellant as per direction of this Court, therefore, there is nothing on record to interfere with the order of the trial court.
4. Accordingly, the instant first appeal is liable to be and is hereby dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge

Arun