

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (227) No.466 of 2019

Rajkumar Tamboli, aged about 67 years, S/o-Prabhulal Tamboli,
R/o-Village Sheetlapara Ward, Simga, Police Station & Tahsil-
Simga, Civil & Revenue District Balodabazar (CG)

--- Petitioner

Versus

Shivkumar Tamboli, aged about 68 years, S/o-Bhavsingh Tamboli,
R/o-Village Sheetlapara Ward, Simga, Police Station & Tahsil-
Simga, Civil & Revenue District Balodabazar (CG)

--- Respondent

For Petitioner:	Mr.Ratnesh Kumar Agrawal, Advocate
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Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

18/06/2019

1. Heard on question of admission of writ petition.
2. By the impugned order, the petitioner/defendant's application under Order 26 Rule 9 of the CPC for valuation of suit property has been rejected by the trial Court.
3. Mr.Ratnesh Kumar Agrawal, learned counsel for the petitioner, would submit that the trial Court is absolutely unjustified in rejecting the application, therefore, the impugned order deserves to be set aside.
4. I have heard learned counsel for the petitioner, considered his submission made hereinabove and went through the record with utmost circumspection.
5. The trial Court has clearly held that with regard to valuation of suit

property, issue has already been framed and the petitioner is at liberty to adduce evidence on question of valuation. The said finding is neither perverse nor contrary to record. Even otherwise, the petitioner's pleading with regard to valuation of suit property is absolutely vague. I do not find any illegality or perversity in the said finding.

6. Accordingly, the writ petition being devoid of merit is liable to be and is hereby dismissed at the admission stage itself, without notice to other side. However, the petitioner is at liberty to adduce evidence on question of valuation. No cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-