

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURWP227 No. 499 of 2019

- Smt. Lachhani Banjare S/o Shri Moti Lal Banjare Aged About 45 Years Occupation Ex - Sarpanch, Village Panchayat Kuhera, Tahsil Arang, Raipur, R/o Village Kotarabhatha, Police Station Mandir Hasaud, Tahsil Arang, District Raipur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Collector, Raipur, District Raipur Chhattisgarh.
2. Chief Executive Officer, Zila Panchayat Raipur, District Raipur Chhattisgarh.
3. Chief Executive Officer, Janpad Panchayat Arang, District Raipur Chhattisgarh.
4. Shiv Banjare S/o Heera Lal Banjare Aged About 42 Years Occupation Secretary of Village Panchayat Kuhera, Tahsil Arang, Police Station Mandir Hasaud, District Raipur Chhattisgarh R/o Abhanpur, Police Station Abhanpur, District Raipur Chhattisgarh.
5. Devendra Dhidhi S/o Shyam Lal Dhidhi Aged About 36 Years Occupation Secretary of Village Panchayat Navagaon, Khapari, Tahsil Arang, Police Station Mandir Hasaud, District Raipur Chhattisgarh. R/o Village Chicha, Police Station Mandir Hasaud, Tahsil Arang, District Raipur Chhattisgarh.
6. Ramadhar Ratre S/o Jagdeo Ratre Aged About 46 Years

Occupation Secretary of Village Panchayat Ganaud, Tahsil Arang, Police Station Mandir Hasaud, District Raipur Chhattisgarh. R/o Village Navagaon Highway, Police Station Mandir Hasaud, District Raipur Chhattisgarh.

---- Respondents

For Petitioner	:-	Shri C.R. Sahu, Advocate
For Respondent-State	:-	Shri Sanjay Agrawal, G.A.

Order On Board By

Hon'ble Justice Shri Prashant Kumar Mishra

26/06/2019

1. By order impugned the trial Court has dismissed petitioner's/plaintiff's application under Order 33 Rule 1 of C.P.C. for permission to sue as an indigent person. As a consequence of the said order the trial Court has also dismissed the suit.
2. An order passed under Order 33 Rule 1 of C.P.C. is appealable under Order 43 Rule 1 (na), therefore, the present petition is not maintainable. If the petitioner seeks to challenge the other order by which his suit has been dismissed as a consequence of dismissal of application under Order 33 Rule 1 C.P.C., then also, the remedy for the petitioner lies in petitioner a regular appeal. Thus in either case the writ petition is not maintainable.

3. Let the petitioner move a duly constituted appeal under the appropriate provision as pointed in the preceding paragraph.
4. The petition under Article 227 of the Constitution of India is disposed of. Certified copy of the impugned order (Annexure P-1) be returned to the learned counsel for the petitioner on supplying xerox copy.

Sd/-
(Prashant Kumar Mishra)
Judge

Ankit