

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (227) No. 520 of 2019

Municipal Corporation, Durg Through : Commissioner Durg, Tahsil and District -
Durg (C.G.)

----Petitioner/Plaintiff

Versus

Krishi Upaj Mandi, Samiti, Durg through : President Durg, Tahsil and District Durg
(C.G.)

---- Respondent

For Petitioner : Shri Harshwardhan Parganiya, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

01/07/2019

1. This writ petition has been filed against the orders dated 6.3.2019 & 11.03.2019 passed by the trial Court, by which plaint has been directed to be returned for presentation of proper court fee.
2. I have heard learned counsel appearing for the petitioner and perused the material available on record with utmost circumspection.
3. Order returning plaint is admittedly and undisputedly appealable under Order 43 Rule 1(a) of the CPC.
4. In that view of the matter, I am not inclined to entertain the instant writ petition under Article 227 of the Constitution of India.
5. Accordingly, writ petition is dismissed as not maintainable. However, petitioner/plaintiff is at liberty to avail the remedy under Order 43 Rule 1(a) of the CPC, if any.
6. Certified copy of the impugned order and other relevant documents be returned after furnishing attested copy thereof.

Sd/-

(Sanjay K. Agrawal)
Judge

