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HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 610 of 2019**

Smt. Divya Singh, W/o Daulat Singh, Aged about 46 years, R/o Beside Street of J.K. Construction, Santosh Chowk, Kushalpur, Raipur, District Raipur, Chhattisgarh.

---- Petitioner**Versus**

1. Pratap Singh Thakur @ Ballu Son Of Late Goukaran Singh Thakur, R/o Infront Of Sumeru Math, Professor Colony, Sector-1, Near The Ashu Kirana Store, Kushalpur, Raipur, District Raipur, Chhattisgarh.
2. Digvijay Singh Thakur Son Of Late Goukaran Singh Thakur R/o Gali No. 1, Idgabhatha, Mangal Bazar, Raipur, District Raipur Chhattisgarh.
3. Sangram Singh Thakur @ Baba Thakur Son Of Late Goukaran Singh Thakur R/o Gali No. 1, Idgabhatha, Mangal Bazar, Raipur, District Raipur Chhattisgarh.
4. Smt. Savitri Thakur Widow Of Yashwant Singh Thakur R/o Sindhi Colony, Idgabhatha, Gali No. 1, Mangal Bazar, Raipur, District Raipur Chhattisgarh.
5. Smt. Laxmi Singh Thakur Wife Of Devendra Singh Thakur R/o Thakurpara, Village Sarona, Raipur District Raipur, Chhattisgarh.
6. Smt. Manjula Singh Thakur Wife Of Shri Deepak Singh Thakur R/o Pragati Nagar Chowk, Bijli, Tahsil And District Raipur Chhattisgarh.

----Respondents

For Petitioner : Mr. C.K. Sahu, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****06.08.2019**

1. By the impugned order dated 08/04/2019, petitioner's application under Order 9 Rule 9 of the CPC has been rejected by learned 14th Civil Judge, Class – II, Raipur against which this writ petition under Article 227 of Constitution of India has been preferred by her.

2. I have heard learned counsel for the petitioner at length.
3. By virtue of provisions contained in Order 43 Rule 1 (c) of the CPC, a miscellaneous appeal would lie against the impugned order rejecting the application under Order 9 Rule 9 of the CPC filed by the petitioner. As such, this writ petition is not maintainable in law.
4. Accordingly, this writ petition stands dismissed. However, petitioner is at liberty to prefer an appeal under Order 43 Rule 1 (c) of the CPC in accordance with law.
5. Certified copy of this order be returned after furnishing attested copy thereof.

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet