

HIGH COURT OF CHHATTISGARH AT BILASPUR**SA No. 574 of 2019**

1. Mushir Ahmed S/o Late Mohd. Shareef Ahmed, Aged about 58 years.
(Respondent No. 1 before the Ld. First appellate Court & Plaintiff No. 1 before Ld. Trial Court).
2. Smt. Afroz Bano, W/o Shri Mushir Ahmed, Aged about 53 years.
(Respondent No. 2 before the Ld. First Appellate Court & Plaintiff No. 2 before the Ld. Trial Court).

Both R/o Near Old Bus Stand, Korba, Presently at Sheebu Footwear, Near Railway Gate, Under Overbridge, in front of Usha Complex, Main Road, Korba, Tahsil/ Civil & Revenue District Korba, Chhattisgarh.

---Appellants

Versus

1. Smt. Seema Sahu D/o Late Teeman Lal, Aged about 46 years.
(Appellant No. 1 before the Ld. First Appellate Court and Defendant No. 3 before Ld. Trial Court).
2. Leena Sao D/o Late Teeman Lal, Aged about 43 years.
(Appellant No. 2 before the Ld. First Appellate Court and Defendant No. 4 before the Ld. Trial Court).
3. Birendra Kumar Sao S/o Late Teeman Lal, Aged about 38 years.
(Appellant No. 3 before the Ld. First Appellate Court and Defendant No. 5 before Ld. Trial Court).

All R/o Anant Emagin B-207, Old Bus Stand, Korba, Distt. Korba, Chhattisgarh.
4. State of Chhattisgarh, Through the Collector, Korba, Chhattisgarh.
(Respondent No. 3 before the Ld. First Appellate Court and Defendant No. 1 before the Ld. Trial Court).

---- Respondents

For Appellants	:	Mr. Yuddhveer Singh, Advocate
For State	:	Mr. Ravi Bhagat, Deputy Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

23/08/2019

1. By the impugned judgment and decree dated 17/05/2019, learned first appellate Court has remanded back the matter to the trial Court against which a miscellaneous appeal would lie under Order 43 Rule 1 (u) of the CPC, as such, this second appeal is not maintainable.
2. The second appeal is accordingly dismissed. However, the appellants are at liberty to file an appeal in accordance with law.
3. Certified copy of the impugned order be returned after furnishing attested copy thereof.

Sd/-
(Sanjay K. Agrawal)
Judge