

HIGH COURT OF CHHATTISGARH AT BILASPUR**WP227 No. 702 of 2019**

1. Sudhir Kumar, Son of Vishnu Chandrakar.
2. Umesh Chandrakar, Son of Vishnu Chandrakar.

Both are residents of Kurmipara, Mahasamund, Tahsil and District Mahasamund, Chhattisgarh.

---Petitioners/Defendants

Versus

1. Smt. Laxmi Chandrakar, Son of Late Halakhram Chandrakar, Aged about 50 years.
2. Smt. Leela Chandrakar, Daughter of Late Halakhram Chandrakar, Aged about 46 years.

Both are residents of Idgah Bhatha, Raipur, Tahsil & District Raipur, Chhattisgarh.

--- Plaintiffs

3. Dwarika Chandrakar, Son of Late Halakhram Chandrakar.
4. Vishnu Chandrakar, Son of Late Halakhram Chandrakar.
5. Ashutosh Chandrakar, Son of Late Khilawan Chandrakar.
6. Khushbu Chandrakar, Daughter of Late Khilawan Chandrakar.
7. Ritu Chandrakar, Daughter of Late Khilawan Chandrakar.

No. 5 to 7 are minor, represented through mother Suman Chandrakar.

8. Vijay Chandrakar, Son of Dwarika Chandrakar.
9. Smt. Suman Chandrakar, Widow of Khilawan Chandrakar.

No. 3 to 9 are residents of Kurmipara, Mahasamund, Tahsil & District Mahasamund, Chhattisgarh.

10. State of Chhattisgarh, through the Collector, District Mahasamund, Chhattisgarh.

---- Respondents/Defendants

For Petitioners	:	Mr. Prasoon Agrawal, Advocate
For State	:	Mr. Ravi Bhagat, Dy. A.G.

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

16/09/2019

1. By the impugned order dated 15/07/2019, petitioners'/defendants' application under Order 14 Rule 5 of the CPC for framing additional issue has been rejected by learned First Civil Judge Class II, Mahasamund against which this writ petition under Article 227 of the Constitution of India has been preferred by them.
2. Mr. Prasoon Agrawal, learned counsel for the petitioners would submit that issue with regard to relinquishment deed dated 04/01/2008 was required to be framed which the trial Court has omitted to frame and has further rejected defendants' application for framing additional issue by the impugned order which is liable to be set aside.
3. I have heard learned counsel for the petitioners at length.
4. In the impugned order, learned trial Court has stated that issue raised by way of proposed issue No. (c) *qua* relinquishment deed dated 04/01/2008 has already been framed by the trial Court and is covered by issue No. 3 already framed. Since, learned trial Court has already framed the issue regarding relinquishment deed as issue No. 3, defendants will be allowed to lead evidence with regard to the relinquishment deed as covered by issue No. 3 framed by the trial Court.
5. With the aforesaid observations, this writ petition stands disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge