

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WP227 No.47 of 2019**

Devchand Mahadeva S/o Late Shri Gasiya, aged about 70 years, R/o Village-Lidari, Tahsil-Takhatpur, Civil & Revenue District-Janjgir-Champa (CG)

---- Petitioner

**Versus**

State of Chhattisgarh Through the District Collector Bilaspur (CG)

---- Respondent

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|----------------|---|--------------------------|
| For Petitioner | : | Mr.P.M.Shriwas, Advocate |
| For Respondent | : | Mr.Vimlesh Bajpai, G.A.  |

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order on Board****22.01.2019**

1. By the impugned order, the trial Court has rejected the application filed by the petitioner/plaintiff under Order 26 Rule 9 of the CPC, against which, this writ petition has been filed.
2. Learned counsel for the petitioner would submit that the impugned order is unsustainable and bad in law.
3. I have heard learned counsel for the petitioner, perused the impugned order and other documents appended with the writ petition.
4. The trial Court has recorded a finding that at the instance of the petitioner/plaintiff, the suit land has been demarcated and demarcation report has been submitted and the plaintiff is at liberty to cross-examine the Commissioner in accordance with the provisions of law.

5. In view of that, I do not find any illegality in the impugned order.

Accordingly, the writ petition is dismissed. However, the petitioner is at liberty to examine/cross-examine the Commissioner in accordance with law. No cost(s).

Sd/-

(Sanjay K.Agrawal)  
Judge

B/-