

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 226 of 2020

Sitaram Sahu S/o Hariram Sahu Aged About 70 Years Resident Of Village Darba Mandir Hasaud , Tahsil And District Raipur Chhattisgarh.

---- Petitioner

Versus

1. Salil Kumar Tiwari S/o Sanat Kumar Tiwari Through Power Of Attorney Holder, Nagendradhar Diwan, Son Of Late Govinddhar Diwan, Resident Of Village Darba Mandir Hasoud, Tahsil And District Raipur Chhattisgarh.
2. State Of Chhattisgarh Through Collector Raipur, District Raipur Chhattisgarh..

-----Respondents

For Petitioner

: Mr. A.D. Kuldeep, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

25/02/2020

1. This petition has been brought under Article 227 of the Constitution of India being aggrieved by the order dated 13.01.2020, passed by the learned Fifth Additional District Judge, Raipur in Miscellaneous Civil Appeal No. 25/2019, by which the appeal filed by the petitioner under Order 43 Rule 1 has been dismissed.
2. It is submitted that the petitioner is plaintiff in Civil Suit No.161-A/2017 claiming ownership on the suit property. Relief has been sought against the respondents on the ground that the respondents have by taking benefit of renumbering of the survey

numbers of the land because of which one of the suit property of the petitioner has also been renumbered are claiming ownership and possession and relief has been prayed for. The application under Order 39 Rule 1 and 2 C.P.O.C. was filed before the trial Court, which was dismissed and similarly the appeal against the order of the trial Court has also been dismissed.

3. Both the Courts have held that the petitioner has been unable to identify that his one of his property is having Kh.No. 528/1. Counsel for the petitioner submits that he may be given opportunity to file documents to prove his case that one of his property is renumbered as 528/1 and liberty may also be granted to file repeat application under Order 39 Rule 1 and 2 of C.P.C., before the trial Court itself. Therefore, this petition is disposed off at motion stage. The petitioner is granted liberty to file documents in support of his claim and also to file repeat application under Order 39 Rule 1 and 2 of C.P.C. if it is necessary and advised by the counsel.
4. Accordingly, the petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge