

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No.314 of 2020

- Vinod Kumar Yadav S/o Late Mahaveer Yadav, R/o Chhote Attarmuda, Raigarh, Tehsil And District Raigarh, Chhattisgarh. (Petitioner's Father Name Is Wrongly Written As And Other Mahaveer Yadav) Through Power Of Attorney Holder Ashok Kumar Yadav, S/o Late Mahaveer Yadav R/o Chhote Attarmuda, Raigarh, Tehsil And District- Raigarh, Chhattisgarh

---- Petitioner

Versus

1. Nand Lal Morya S/o Late Munshi Ram Morya Aged About 79 Years R/o Chakradhar Nagar Raigarh, Tehsil And District- Raigarh, Chhattisgarh
2. Bechu Ram Morya S/o Late Munshi Ram Morya Aged About 65 Years R/o Chakradhar Nagar Raigarh, Tehsil And District- Raigarh, Chhattisgarh
3. Heera Nand S/o Late Jesa Ram Aged About 76 Years R/o Singhi Colony Raigarh, Tehsil And District Raigarh, Chhattisgarh
4. Vindhyachal S/o Ramnath Prasad Sao Aged About 65 Years R/o Chote Atarmuda, Tehsil And District- Raigarh, Chhattisgarh. (In All Respondents Above The Father's Name Has Not Been Specifically Written Properly By The Trial Court Which Has Been Mentioned Properly Here In Cause Title)
5. State Of Chhattisgarh Through Collector Raigarh

---- Respondents

For Petitioner	: Mr. Priyank Rathi, Advocate.
For Respondent No.5	: Mr. Sudeep Verma, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

20-03-2020

1. Heard on I.A. No.1, an application for exemption from filing typed copy of the documents which are handwritten.
2. After perusing the documents filed, the application is allowed.
3. This petition has been directed against the order dated 26.02.2020 passed by the learned Court of First Civil Judge, Class-I, Raigarh, C.G.,

in Civil Suit No.A/371/1996.

4. It is submitted that the learned trial Court has passed the order directing the demarcation of the disputed property in accordance. In compliance with the orders passed by this Court in Second Appeal No.107/2003 on 26.03.2019, there is clear observation but the learned trial Court has overlooked the observation made by the High Court in the order dated 26.03.2019 that the dispute regarding the identity of the disputed property being the Khasra No.23/1 or Khasra No.24/1 has to be determined in the demarcation, therefore, the order impugned is required to be interfered with.
5. Learned counsel for the State appearing for respondent No.5 makes a formal objection.
6. Considered on the submissions in the impugned order, learned trial Court has directed the demarcation of suit land mentioned by the plaintiff that is Khasra No.23/1 only. As it has been specifically observed by the High Court in the order passed in Second Appeal in paragraph No.13 that the demarcation should be made specifically to identify the incorrect land as to whether, it is a part of Khasra No.23/1 or the part of Khasra no.24/01. Therefore, the order passed needs rectification. Hence, this petition is disposed off at motion stage and rectification is made accordingly in the impugned order that the Commissioner appointed shall now make demarcation of the disputed property to ascertain whether it is part of Khasra No.23/1 or part of Khasra No.24/1. The demarcation be done accordingly.
7. Accordingly, the petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge