

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No.361 of 2020

- Ganesh Singh S/o Ramshankar Singh Aged About 26 Years By Caste Kanwar R/o Village Bargawa P.S. Darima Tahsil Ambikapur District Surguja Chhattisgarh

---- Petitioner

Versus

1. Munnu Singh Alias Munni Singh S/o Ramsingh Alias Geda Aged About 46 Years By Caste Kanwar
2. Tilkuwar W/o Late Kuman Singh Aged About 76 Years By Caste Kanwar (Both are r/o Village Bargawa P.S. Darima Tahsil Ambikapur District Surguja Chhattisgarh)
3. State Of Chhattisgarh Through Collector Surguja District Surguja Chhattisgarh

---- Respondents

For Petitioner	: Mr. Dev Ashish Biswas, Advocate.
For State	: Mr. D.P. Singh, Dy.A.G.

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

11-06-2020

Heard.

1. This petition has been brought being aggrieved by the order dated 17.02.2020 passed in Miscellaneous Civil Suit No.17/2019 pending before the Court of 3rd Civil Judge, Class-I, Surguja, Ambikapur, C.G.
2. Heard learned counsel for both the parties.
3. The learned trial Court has held in the impugned order that the application under Order 39 Rule 1 and 2 of C.P.C. is not maintainable in proceeding under Order 9 Rule 9 of C.P.C. The petitioner had option to file an application under Section 151 of C.P.C., as the prayer made by him in the application on which the impugned order was passed was under Order 39 Rule 1 and 2 and this provision is not applicable to any

proceeding other than a civil suit. Therefore, leaving the option in favour of the applicant to file an application under Section 151 of C.P.C. before the trial Court for grant of relief, this petition is disposed off at the motion stage.

4. Accordingly, the petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Monika