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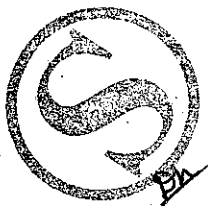
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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<u>S.B. HON'BLE SHRI DHIRENDRA MISHRA, J</u> <u>W.P. (C) NO. 2302/2007</u>	
	<u>PETITIONER</u> <u>DEFENDANT NO. 2</u>	T.S. Singh Dev, S/o. Shri M.S. Singh Dev, Aged about 50 years, R/o. Kothighar, Old Bus Stand, Ambikapur, Police Station & Tahsil Ambikapur, District Surguja (CG)
		<u>VERSUS</u>
	<u>RESPONDENTS</u>	1. Kaushal Kishore Sinha, S/o Late Ramnaresh Sinha, Aged about 55 years.
		2. Pankaj Sinha, S/o. Kaushal Kishore Sinha, Aged about 31 years,
		3. Manoj Sinha, S/o. Kaushal Kishore Sinha, Aged about 29 years,
		4. Soni Sinha W/o. Santosh Sinha, Aged about 25 years, R/o Gudri Chowk, Police Station & Tahsil Ambikapur, Surguja (CG)
		5. Varsha Sinha, D/o Kaushal Kishore Sinha, Aged about 22

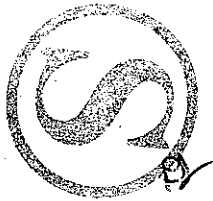


उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	2	years, Above Resp. No. 1, 2, 3 & 5 R/o. Darripara, Police Station & Tahsil Ambikapur, District Surguja (CG) Plaintiffs
	6.	State of Chhattisgarh, Through : Collector, Surguja (Chhattisgarh) Defendant No.1
	30.04.2008 Mr. Manoj Paranjpe, counsel for the petitioner. Mr. MK Bhaduri, counsel for the respondent No. 1. Mr. Rajendra Agrawal, P.L. for the State. By this petition under Article 227 of the Constitution of India, the petitioner has impugned the order of Annexure P/6 passed by learned III Civil Judge, Class-II, Ambikapur, Surguja in Civil Suit No. 66A/06 whereby application of the petitioner under Order 14 Rule 2 of C.P.C. for deciding the issues No. 10 & 11 as a preliminary issue has been rejected. Learned counsel for the petitioner submits that the learned trial Court while rejecting the application under Order 14 Rule 2 of CPC, has virtually decided the issue No.10 against the petitioner	



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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश 3	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
15/	and in favour of the respondents/plaintiffs, which is not permissible under the law. On the other hand, learned counsel for the respondent No.1 submits that it is well within the discretion of the learned trial Court, taking into consideration the facts and circumstances of the case, to decide any legal issue also either as a preliminary issue or at the conclusion of the trial and the above decision cannot be questioned by way of filing writ petition. However, the observation, if any, made by the learned trial Court while deciding the application under Order 14 Rule 2 of CPC, is a mere observation and the same can be ignored. Having heard learned counsel for the parties, having perused the impugned order, while upholding the impugned order of the learned trial Court whereby application under Order 14 Rule 2 of CPC of the petitioner has been rejected, the observations made by the trial Court in the impugned order being unnecessary are ignored and the instant petition is disposed of with a direction to the learned trial Court to decide the issues No. 10 & 11 along with other issues in accordance with law at the time of conclusion of trial. The petition is accordingly disposed of.	Sd/- Dhirendra Mishra Judge