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P.R. No. 3263/06
Presented by Shri. *Abhay Kumar*
dated. 01/04/06

CF 15/1
Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH

Mise. Appeal No. 1011 / 2006 S.B.

Appellant
(Plaintiff)

Lalit Kumar Chourasia, aged 36 years,
S/o. Sri Ramnarayan Chourasia,
R/o. Baijnathpara, Raipur (C.G.)

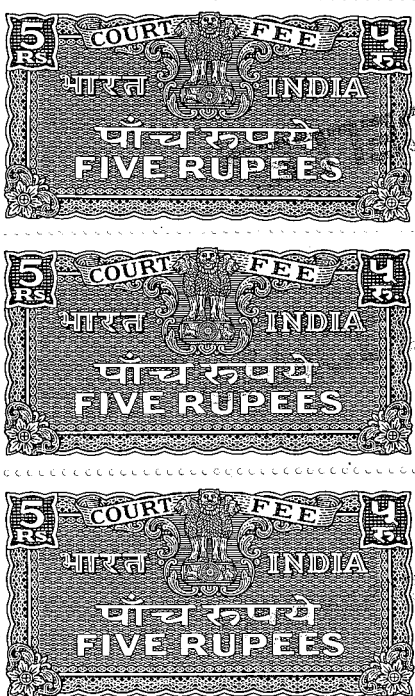
VERSUS

Respondents
(Defendants)

1. Smt. Mangtin bai Yadav, W/o.
Dhanau Yadav,
2. Pataluram Yadav S/o. late
Duklaha Yadav.
3. Vishnu Yadav/ S/o. Duklaha
Yadav,
4. Mahesh Ram Yadav, S/o. late
Duklaha Yadav

Above all R/o. Near Seetla
Talab, Mathpuraina, Raipur
(C.G.)

5. Vijay Griaah Nirman Sahkari
Samiti Mydt. Raipur (C.g.)
6. Through President Tejkumar
Bajaj, S/o. Sri Choith ram Bajaj,
R/o. Katora Talab Raipur (C.G.)
7. Tejkumar Bajaj, S/o. Dr. Choith
ram Bajaj, President Vijay Griaah
Nirman Sahkari Samiti Mydt.
Raipur



MISCELLANEOUS APPEAL UNDER ORDER 43, RULE 1-A OF CIVIL PROCEDURE

CODE



HIGH COURT OF CHHATTISGARH AT BILASPUR

Misc. Appeal No. 1011 of 2006

APPELLANT
(Plaintiff)

Lalit Kumar Chourasia

VERSUS

RESPONDENTS :
(Defendants)

- 1 Smt. Mangtin Bai Yadav
- 2 Pataluram Yadav
- 3 Vishnu Yadav
- 4 Mahesh Ram Yadav
- 5 Vijay Griaah Nirman Sahkari Samiti
Mydt. Raipur
- 6 Tejkumar Bajaj (wrongly mentioned
as 7 in cause title)

[Misc. Appeal under Order 43 Rule 1-A of the Code of Civil Procedure, 1908.]

Present:

Mr. Abhay Tiwari, Advocate for the appellant.

SB: Hon'ble Mr. T.P. Sharma, J.

ORDER
(Passed on 30.08.2013)

1. By this miscellaneous appeal under Order 43 Rule 1-A of the Code of Civil Procedure, 1908 (for short 'the Code') appellant has challenged the legality and propriety of the order dated 04.09.2006 passed by the 14th Additional District Judge (FTC) Raipur in Civil Suit No. 15-A/2006.
2. After finding in two preliminary issues opportunity of claiming, further relief for payment of Court fees along with appropriate valuation has been provided to the appellant, thereafter on the ground of non-compliance of the order i.e. non-payment of Court fees, Suit has been dismissed which is under Order 7 Rule 11 (b) & (c) of the Code and it is appealable as first appeal under Order 41 of the Code.
3. Counsel for the appellant seeks to withdraw the appeal with liberty to file first appeal in accordance with law.



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4. Consequently, the appeal dismissed as withdrawn reserving aforesaid liberty available under the law.
5. Certified copy of the order impugned be returned back to the counsel for the appellant after submitting photostat copy of the same. No order as to costs.

Sd/-
T.P. Sharma
Judge

Chandra