

Divya Singh Vs Pratap Singh Thakur @ Ballu And Ors

Court: Chhattisgarh High Court

Date of Decision: Aug. 6, 2019

Acts Referred: Code Of Civil Procedure 1908 " Order 9 Rule 9, Order 43 Rule 1(c)
Constitution Of India, 1950 " Article 227

Hon'ble Judges: Sanjay K. Agrawal, J

Bench: Single Bench

Advocate: C.K. Sahu

Final Decision: Dismissed

Judgement

Sanjay K. Agrawal, J

1. By the impugned order dated 08/04/2019, petitioner's application under Order 9 Rule 9 of the CPC has been rejected by learned 14th Civil Judge,

Class - II, Raipur against which this writ petition under Article 227 of Constitution of India has been preferred by her.

2. I have heard learned counsel for the petitioner at length.

3. By virtue of provisions contained in Order 43 Rule 1 (c) of the CPC, a miscellaneous appeal would lie against the impugned order rejecting the

application under Order 9 Rule 9 of the CPC filed by the petitioner. As such, this writ petition is not maintainable in law.

4. Accordingly, this writ petition stands dismissed. However, petitioner is at liberty to prefer an appeal under Order 43 Rule 1(c) of the CPC in

accordance with law.

5. Certified copy of this order be returned after furnishing attested copy thereof.