

(2019) 02 CHH CK 0546

Chhattisgarh High Court

Case No: Writ Petition 227 No. 160 Of 2019

Ganesh Prasad Agrawal

APPELLANT

Vs

Nathmal Agrawal And Ors

RESPONDENT

Date of Decision: Feb. 28, 2019

Acts Referred:

- Constitution Of India, 1950 - Article 227

Hon'ble Judges: Sanjay K. Agrawal, J

Bench: Single Bench

Advocate: T.K. Jha

Final Decision: Dismissed

Judgement

Sanjay K. Agrawal, J

1. By the impugned order dated 04/02/2019, the application filed by the petitioner under order 26 Rule 9 of CPC for appointment of Commissioner has

been rejected by the learned executing Court, against which this writ petition has been preferred by the petitioner/judgment debtor.

2. Learned counsel for the petitioner submits that the learned executing Court is absolutely unjustified in rejecting the application for appointment of

the Commissioner to demarcate the land in dispute.

3. I have heard learned counsel for the petitioner on the question of admission of the writ petition.

4. The learned executing Court has clearly held that the appointment of Commissioner is not warranted in the facts of the case, as such, the impugned

order passed by the executing Court is purely discretionary in nature, in which I do not find any illegality or perversity and thus, no interference is

warranted under Article 227 of the Constitution of India.

5. The writ petition deserves to be and is accordingly dismissed.

6. A copy of this order be sent to the concerned executing Court by email/fax. No cost(s).