

(2018) 03 CHH CK 0170
In the Chhattisgarh High Court
Case No : WA No. 139 of 2018

ROOP SAGAR

APPELLANT

Vs

BALRAM

RESPONDENT

Date of Decision : 14-03-2018

Acts Referred:

Code of Civil Procedure, 1908 — Section 54

Chhattisgarh High Court (Appeal to Division Bench) Act, 2006 — Section 2(1)

Citation : (2018) 03 CHH CK 0170

Hon'ble Judges : B. RADHAKRISHNAN, SHARAD KUMAR GUPTA

Bench : Division Bench

Advocate : Yashwant Singh Thakur

Final Decision : Dismissed

Judgement

1. This matter arises in execution proceeding. The application moved by the Appellant to cross examine certain persons in the course of execution of the decree was dismissed. The learned Single Judge repelled the challenge against writ petition on an application under Article 227 of the Constitution of India.

2. Examining the impugned order of the learned Single Judge, we see that it is one issued under Article 227 of the Constitution of India; thereby refusing to interfere with the order impugned in the writ petition. Hence, this appeal does not lie to the Division Bench in terms of proviso to Section 2(1) of the Chhattisgarh High Court (Appeal to Division Bench) Act, 2006.

3. In the result, this writ appeal is dismissed.