

न्यायालय राजस्व अपील प्राधिकारी, श्रीगंगानगर (राज.)

महकौत सिंह

विरुद्ध

सुरेन्द्र सिंह

प्रकरण का प्रकार

225 RTA

क्रमांक

67

सन 20/9

आदेश
दिनांक

आदेश या कार्यवाही पीठासीन अधिकारी के लघु हस्ताक्षर से युक्त

आदेश की
पालना में
प्रसारित पत्रांक
एवं दिनांक

1-7-2009

① - This appeals has been filed on dated 24.5.19 against the order of Hon' lower court dated 10.5.19 under ord. 9. rule 13 and 7 and Sec. 151 CPC. and ask/ Prey for grant an injunction on aforesaid order of SDO Shaldu shahar.

② - He/appealant Merated the fact of appeals memo and argued that; His^{appealant} was a defendend nos of law. in an



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↓ Suit pending for hearing before the lower court and the Lower court has passed the decision on dated 28.9.2018 without heard the appealant.

③ He also argued that, after said decision dated 28.9.2018 he filed an application before the lower court under ord 9, 13 and sec 151 CPC on dated 9.10.18 which was decided on 10.5.19 against him.

④ We have gone through the decision of lower court in which the presiding officer cited all the facts of the case in which the original decision and decree pronounced dated 28.9.18.

⑤ The court in his order of said application reached on that conclusion that the applicant has given sufficient opportunity to be heard and proper or sufficient service been done in earlier, because, he was well aware about the —



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matter and he was of knowledge about the case through Patwari 'Halha on dated 17.9.18.

⑥ - Lower Court also furnished that fact in his speaking order, that presently the said order and decree has been executed fully.

⑦ - In the above light of the facts we have reaching on that conclusion, - That the appellant seem to be have willful or defaulted in his case.

⑧ - He must have been filed an revision against ex party or wrong service, at proper forum, ~~forum~~, during the pending/hearing of the case or might have been filed an appeal against the said order/decision dated 28.9.18 pronounced by lower Court.

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9) - Despite doing that, the wrongly filed an appeal of order dated 10.5.19 of lower court and asked for grant an injunction is seems totally a wrong practice/plading.

10) - With the above findings and conclusions this court does not think it to be fit this appeal to be heard and passed any order or injunction against the lower court decision dated 10.5.19. Hence no interference needed.

11) - It is therefore the appeal dismissed on admission stage and directed appellant to be filed an appeal afresh of order of lower court dated 17.9.18 on proper & sufficient ground.

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