

Buddha Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Feb-25-2013

Appellant : Buddha

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Atul Anand Awasthy

Judgement :

Buddha & Another versus State of M.P.& Others Writ Petition No.2710

25. 2.2013: Shri Atul Anand Awasthy, learned counsel for the petitioners. Shri Sanjeev Kumar Singh, learned Panel Lawyer for the State.

Challenging order dated 30.1.2013 passed by the Civil Judge Class-I Niwadi, District Tikamgarh, rejecting an application filed by the petitioners under Order XXVI Rule 9 CPC, this writ petition has been filed.

Petitioners are plaintiffs and has filed the suit in question for declaration and injunction.

In the said suit an application filed by the petitioners for appointment of commission to conduct inspection and submit report is rejected merely on the ground that the dispute in question can be considered by recording of evidence and for the purpose of collecting evidence, at this stage, appointment of commission is not necessary.

Rejection of application under Order XXVI Rule 9 CPC on the grounds and reasons as indicated hereinabove cannot be termed as perverse or illegal to such an extent that interference at this interlocutory stage in a proceeding under article 227 of the Constitution is called for.

Accordingly, finding no ground for interference, the petition is dismissed.

(Rajendra Menon) Judge ss/

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