



HIGH COURT OF CHHATTISGARH AT BILASPUR

SA No. 375 of 2010

Parasram (died) through Legal Heir **versus** Ratan Singh & Others

Order Sheet

28.08.2025	Mr. Prakash Tiwari, counsel for the appellant. Mr. Parag Kotecha, counsel for Lrs. of respondent No. 1 After hearing the learned counsel for the appellant on admission, the point wrapped out from the record is that on the first round of litigation the trial Court vide its judgment and decree dated 28.02.2002 has decreed the suit and the trial Court while deciding the issue No. 4 has categorically given its finding that the suit is within limitation and also recorded its finding that if the property is joint property then there will be no question of limitation will be exists. Against that present appellant has preferred

a first appeal bearing appeal No. 7-A/2003 which has been decided on 27.11.2004. The learned first appellate Court has framed as many as 3 issues for its determination:

- 1) Whether application for taking document under Order 41 Rule 27 of CPC can be allowed?
- 2) Whether the trial Court has assigned the reasons for condoning the delay?
- 3) Whether the trial Court has passed the judgment and decree by wrong considering the facts?

But while allowing the appeal has only taken into consideration that the application filed by the appellant under Order 41 Rule 27 of CPC was remitted back for deciding the case afresh on the basis of allowing the application under Order 41 Rule 27 of CPC. Prima-facie, it seems that the first appellate Court has affirmed the finding of limitation issues.

Learned counsel for the appellant vehemently submits that by the order of remand, it is quite vivid that its a absolute remand.

Let the counsel for the appellant address on this Court from the perusal of 9 whether it is absolute remand or only to the extent of allowing the application under Order 41 Rule 27 of CPC. It is also directed that the appellant shall clarify legal provisions in this regard on the next date of hearing positively.

List this case on **12th September, 2025** in the fresh matter list.

**Sd/-
(Narendra Kumar Vyas)
Judge**