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HIGH COURT OF CHHATTISGARH, BILASPUR**Civil Revision No. 84 of 2015**

1. Rajveer Kaur Sandha W/o Harbhajan Singh Aged About 40 Years
 2. Harbhajan Singh S/o Gurubux Singh Aged About 62 Years
- Both are R/o B. K. D. 21, Sector- 9, Bhilai, Tahsil And District- Durg Chhattisgarh (Defendants)

---- Petitioner

Versus

1. Jeet Singh S/o Gurubux Singh Aged About 64 Years R/o Block No. 8, Plot No. 9, Priyadarshni Premises (West) Bhilai Nagar, District - Durg Chhattisgarh (Plaintiff)
2. State Of Chhattisgarh Through The Collector, Durg Chhattisgarh (Defendant)

---- Respondents

For Applicants	: Shri Goutam Khetrapal, Advocate
For Respondent 1	: Shri Rajiv Shrivastava and Shri Malay Shrivastava, Advocates
For Respondent 2	: Shri Aditya Shrama, PL

HON'BLE SHRI JUSTICE CHANDRA BHUSHAN BAJPAI**ORDER****03/12/2015**

1. Heard.
2. After arguing for some time, it is prayed on behalf of the applicants that the trial Court may be directed to formulate appropriate issues on the basis of written statement filed by the applicants along with pleadings of other parties and after formulation of the issues, same may be disposed of as a preliminary issue or if the issues seems to be mixed question of facts and law after adducing evidence by the parties, as the case may be. It is further prayed that while hearing those issues

appreciation in impugned order dated 11.8.2015 on an application under Order 7 Rule 11 (d) of the Code of Civil Procedure, may not come in the way.

3. Learned counsel for respondent 1 has no objection to the above proposition.

4. On due consideration, the instant Civil Revision filed is disposed of without any appreciation on its merits. The Court below is directed to frame all the necessary issues on the basis of the pleadings made in the written statement along with pleadings of the plaint and after formulation of the issues, the issues may be heard either as a preliminary issue or otherwise, as the case may be. It is further directed that the impugned order dated 11.8.2015 shall not come in the way for appreciation of respective issues raised in the matter.

5. The petition is disposed of.

6. No order as to cost.

Sd/

(Chandra Bhushan Bajpai)
JUDGE