

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 882 of 2014

1. Smt. Geeta Devi Napit W/o Gyanchandra Napit, aged about 57 years
Occupation - House Wife, R/O Ambikapur, Distt. Surguja (C.G.)

---- Applicant

Versus

1. Smt.Krishna Gupta W/o Jaideo Gupta, Chattapara, Bilaspur, Tahsil and
District Bilaspur (C.G.)
2. Jaideo Gupta S/o Shriram Gupta, Sub Divisional Officer, Adimjati Kalyan
Vibhag (Now Retired) R/O Chhattapara, Head Post Office, Bilaspur, Tah.
And Distt. Bilaspur (C.G.)
3. Mukesh Gupta S/o Jaideo Gupta, S.S.P. (Police Department) C/O Director
General Of Police, Chhattisgarh, P.H.Q. Raipur, Tah. and Distt. Raipur
(C.G.)

---- Respondents

For Applicant. -	Mr. Awadh Tripathi, counsel.
For Respondents No. 1 & 2. -	Mr. Ashutosh Ghade, counsel.
For Respondent No.3. -	Mr. A.K. Prasad, counsel.

Hon'ble Shri Justice T. P. Sharma
Hon'ble Shri Justice Inder Singh Uboweja

Order On Board
(17/04/2015)

1. This is petition for restoration of W.P.No.4536/2005, dismissed for
non-compliance of order dated 05.01.2009, which has been filed after 2106
days of its limitation.
2. Heard on I.A.No.01/2014 and also on restoration application.
3. Original petition and annexures perused.
4. As per annexures and record, the trial Court has returned the plaint filed on
behalf of the plaintiff/applicant under Order 7 Rule 10 of the C.P.C. on the
ground of lack of territorial jurisdiction, which was challenged before the
High Court of Madhya Pradesh in M.A.No.70/1998. The High Court of M.P.
dismissed the M.A.No.70/1998 vide order dated 13.03.200 on the ground
that the trial Court has not even pecuniary jurisdiction to try the suit.
Thereafter, one application for fixing the Court having jurisdiction to try the
suit and return of documents was filed by the applicant. After considering
the application, the trial Court i.e. 1st Additional District Judge, Ambikapur,

vide order dated 04.05.2000, has dismissed the application, but directed to return the documents after the order passed by the High Court of M.P. Virtually, nothing was remain for consideration before the trial Court.

- 5. As per submission of counsel for the applicant, the suit was triable before the Court situated at Bhopal and not within the jurisdiction situated at Ambikapur.
- 6. In these circumstances, Court was under obligation only to return the plaint and documents, which the trial Court has already returned to the applicant. Therefore, we do not find any ground for condonation of delay or restoration of application.
- 7. Consequently, the application (MCC) is liable to be dismissed and is hereby dismissed. No order as to costs.

JUDGE

JUDGE