

HIGH COURT OF CHHATTISGARH, BILASPUR

Civil Revision No. 81 of 2015

Dr. Ramgopal Sharma S/o Late Chiranji Lal Sharma Aged About 72 Years
R/o D-1, Priyadarshni Nagar, Bilaspur, Tahsil And District Bilaspur
Chhattisgarh (Defendant No. 2)

---- Petitioner

Versus

1. Smt. Sunita Tiwari W/o Dr. Shekhar Tiwari Aged About 40 Years R/o Priyadarshni Nagar, Ring Road, Bilaspur, Tahsil And District Bilaspur Chhattisgarh
2. Dr. Shekhar Tiwari S/o Ramashanker Tiwari Aged About 44 Years R/o Priyadarshni Nagar, Ring Road, Bilaspur, Tahsil And District Bilaspur Chhattisgarh (Plaintiffs)
3. Municipal Corporation, Bilaspur Through - Commissioner, Municipal Corporation Bilaspur Chhattisgarh (Defendant No. 1)
4. Bilaspur Sahkari Grih Nirman Samiti, Through - Managing Director, Bilaspur Grih Nirman Samiti Bilaspur Tahsil And District Bilaspur Chhattisgarh (Defendant No. 3)

---- Respondents

For Petitioner:	Shri HB. Agrawal, Senior, Advocate along with Shri Venkateshwar Tiwari, Advocate.
For Respondents No.1 & 2:	Shri Kshitiz Sharma, Advocate.
For Respondent No.3:	Ms. Pushpa Dwivedi, Advocate appears on behalf of Shri AS. Kachhwaha, Advocate.
For Respondent No.4:	Shri RS. Baghel, Advocate.

Single Bench: Hon'ble Shri P. Sam Koshy, J
Order On Board

6.11.2015

1. By way of the present Civil Revision, the Applicant has challenged the order dated 10.7.2015 passed by the First Civil Judge, Class-1, Bilaspur in Civil Suit No.46-A/2013. By the said impugned order, the Court below has rejected the application under Order 7 Rule 11 CPC whereby the Petitioner has raised an objection so far as the maintainability of the suit on the question of cause of action not being disclosed and the suit being barred is concerned.

2. The Court below, after perusal of the record and on perusal of the application had, vide the impugned order, rejected the same on the ground that prima facie, it appears that the Petitioner had moved the same for delaying the

proceedings, in as much as the suit itself had been filed on 9.1.1999 and the Petitioner had, in spite of contesting the same before the Court below, did not raise any objection and it is only on 17.4.2014 i.e. after about 16 years, such an application has been filed.

3. Learned Senior Advocate for the Petitioner alternatively also submits that he may be permitted to move appropriate application before the Court below for raising specific objections pertaining to additional issues so far as the maintainability of the suit is concerned.

4. This Court, while exercising its Revisional powers under Section 115 of the Civil Procedure Code, has a limited scope to interfere with the orders passed by the Court below and the interference is to the extent of verifying the jurisdictional error to have been committed or any perversity committed while the Court below was passing the impugned order.

5. In the present case, upon perusal of the impugned order as also the findings and reasons given therein, this Court do not find any jurisdictional error or for that matter any perversity in the passing of the impugned order.

6. In the light of the above, the petition being devoid of merit, the same is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge