

HIGH COURT OF CHHATTISGARH, BILASPUR**Civil Revision No.5 of 2015**

Sunil Mendhekar, S/o. Late Sharad Madhav Mendhekar, aged about 50 years, R/o Rajendra Nagar, Bilaspur, Police Station Civil Lines, Post Head Post Office, Bilaspur, Civil and Revenue District Bilaspur (CG)

---- Applicant

Versus

1. A.F. Robinson, aged about 84 years, S/o. K. Robinson, R/o. Kom Christian, Jarhabhata, Bilaspur, Police Station and Post Bilaspur, Civil and Revenue District Bilaspur (CG)
2. State of Chhattisgarh through Collector, Bilaspur, District Bilaspur (CG)

---- Respondents

For Applicant	:	Mr.Manoj Paranjape, Advocate
For Res.No.2	:	Mr.Sameer Behar, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

15/07/2016

1. The trial Court rejected the application filed by the defendant No.1/applicant under Order 7 Rule 11 read with Section 151 of the CPC based on Order 9 Rule 9 of the CPC that the instant suit is barred by law and also barred by principles of res-judicata.
2. Learned counsel for the applicant would submit that the applicant has also taken such a plea in his written statement, therefore, he may be allowed to pursue the plea raised in the written statement before the trial Court either by filing the

application under Order 14 Rule 2 of the CPC.

3. Prayer appears to be fair and reasonable.
4. If the defendant raises such a plea before the trial Court, then the trial Court would do well and decide the same in accordance with law without being influenced by the the impugned order.
5. It is made clear that this Court has not expressed any opinion on merits of the case.
6. With the aforesaid observation, the civil revision stands disposed of.

Sd/-
(Sanjay K.Agrawal)
Judge

B/-