

HIGH COURT OF CHHATTISGARH, BILASPUR

CR No. 68 of 2014

1. Anil Kumar Dhurandhar S/o Mahendra Kumar Dhurandhar Aged About 58 Years Through- General Power Of Attorney Holder- Keshav Dhurandhar, R/o Azad Chowk, Raipur, Tah. And Civil & Revenue Distt. Raipur C.G.

---- Applicant

Versus

1. Shivdayal Jain S/o Pooran Ram Jain Aged About 80 Years R/o Senior MIG- 730, Sector-2, Deendayal Upadhyay Nagar, Raipur, Tah. And Civil & Revenue Distt. Raipur C.G.
2. State Of Chhattisgarh Thru- Collector, Raipur, Tah. And Civil & Revenue Distt. Raipur C.G.

---- Respondent

For applicant : Shri RN Pusty, Advocate
For Respondent No.1 : Shri Amrito Das, Advocate.
For Respondent No.2/State : Shri Rahul Tamaskary, PL.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

21/04/2016

With the consent of the parties, the matter is heard finally.

02. Challenge in the present revision is to the order dated 14.4.2014 passed by Civil Judge, Class-I, Raipur rejecting the application as filed by the applicant under Order 7 Rule 11 of CPC.

03. Counsel for the applicant submits that in view of provisions of Section 257(g) of CG Land Revenue Code, the suit filed by the plaintiff/respondent No.1 is not maintainable and therefore, the plaint ought to have been rejected.

04. After considering the rival submission of the parties, it has been

observed by the Court below that the provisions of Sections 250 & 257 of CG Land Revenue Code will not come in the way of trial Court to decide the suit and therefore, rejected the application as filed by the applicant under Order 7 Rule 11 of CPC. There appears to be no illegality or infirmity in the order impugned warranting interference by this Court. The revision has no substance, the same is liable to be dismissed and is, accordingly, dismissed.

Sd/

(Pritinker Diwaker)

Judge

Khan