

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.6419 of 2008**

Bhuvan Prasad Dubey, aged about 70 years, S/o Kalu Prasad Dubey,
R/o Chikli, Rajnandgaon

----Petitioner

Versus

1. Kuleshwar Prasad S/o Kalu Prasad Dubey, Aged about 60 years,
R/o Tulsipur, Mamta Nagar, Ward No.17, Rajnandgaon
2. Aasif Ali, R/o Mamta Nagar, Ward No.17, Rajnandgaon
3. The State of Chhattisgarh, Through Collector, Rajnandgaon (CG)

---- Respondents

For Petitioner	:	Mr.Anand Shukla, Advocate
For Respondent No.3	:	Mr.Avinash Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

02/11/2016

1. By the order impugned, plaint has been rejected by the trial Court under Order 7 Rule 11 of the CPC.
2. Against which, this writ petition under Article 227 of the Constitution of India has been filed.
3. This Court in the matter of **Ramayan Sharma Vs. Smt.Sita Devi and others**¹ has clearly held that order of rejection of plaint has a force of decree and only remedy is to file appeal under Section 96 read with Order 41 of the CPC and also held that revision is not maintainable.
4. Since the order rejecting the plaint under Order 7 Rule 11 of the
CPC is appealable under Section 96 read with Order 41 of the

¹ ILR 2016 Chhattisgarh 1626

CPC, the writ petition is held to be not maintainable. It is dismissed accordingly. However, the petitioner is at liberty to proceed in accordance with law. Certified copy of the orders impugned be returned to counsel for the petitioner after furnishing attested photocopy of the same. No order as to cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-