

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**Civil Revision No.15 of 2016**

Arjunlal Patel, son of Shri Ram Charan Patel, aged about 47 years, Caste Agariya, Occupation Farmer, R/o Armuda, Post Mahloi, Tahsil Pussour, District Raigarh (CG).

**---- Applicant**

**Versus**

1. Smt. Ballabhi Bai, D/o Shri Madhu, aged about 29 years, Caste Kolta, Occupation House Wife, R/o Jivri, Tahsil Tamnar, District Raigarh, presently R/o Pandripani (East) Post Jurda, Tahsil & District Raigarh (CG).
2. Madhu, S/o Shri Arjun, aged about 56 years.
3. Shiv Prasad, S/o Shri Madhu, aged about 33 years.

No. 2 & 3 by Caste Kolta, Occupation Farmer, R/o Jivri, Tahsil Tamnar, District Raigarh (CG).

4. State of Chhattisgarh, through Collector, Raigarh, District Raigarh (CG).

**---- Non-applicants**

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|------------------------|---|--------------------------------|
| For Applicant          | : | Shri V.K. Pandey, Advocate     |
| For Non-applicants     | : | Shri Roop Naik, Advocate       |
| For Non-applicant No.4 | : | Ms. Astha Shukla, Panel Lawyer |

**Hon'ble Shri Justice Sanjay K. Agrawal**

**Order On Board**

**03/08/2016**

(1) Heard on I.A.No.02, application for condonation of delay in payment of process fee.

(2) For the reasons mentioned in the application, the same is allowed. Delay in payment of process fee is hereby condoned.

(3) Learned counsel appearing for the applicant/defendant No.2

would submit that the ground urged in the application under Order 7 Rule 11 of CPC have already been raised in the written statement, therefore, the trial Court be directed to frame issue in this regard and decide the same as a preliminary issue.

(4) Accordingly, the applicant is permitted to be withdrawn the instant civil revision, if the issue is framed and the applicant files an application for treating certain issue as a preliminary issue, the trial Court would do well to decide the same in accordance with law.

(5) However, it is made clear that this Court has not directed any issue to be tried as preliminary issue, it is left for the trial Court.

Sd/-

**(Sanjay K. Agrawal)**  
Judge

L/-

