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HIGH COURT OF CHHATTISGARH, BILASPUR**Civil Revision No. 52 of 2016**

1. Smt. Laxmi Bai Bandhe, aged about 50 years, wife of late Ganeshram Bandhe , resident of Railway Station Para Charmudiya, Kurud, Tahsil and Police Station- Kurud, District- Dhamtari (C.G.)
2. Smt. Pingla Baghel, aged about 33 years, daughter of late Ganeshram Bandhe,
3. Ashwani Kumar Baghel, aged about 42 years, son of Guha Baghel,
4. Smt. Henendri @ Hema Kosre, aged about 31 years, daughter of late Ganeshram Bandhe,

Applicants No. 2,3 & 4 are resident of Village – Gatapar, Tahsil and Police Station – Abhanpur, District Raipur (C.G.)

5. Chhaganlal, aged about 29 years, son of late Ganeshram Bandhe, resident of Railway Station Para Charmudiya, Kurud, Tahsil and Police Station- Kurud, District Dhamtari (C.G.)
 6. Smt. Neha Bharti, aged about 27 years, daughter of late Ganeshram Bandhe, resident of Village – Panduka, Tahsil-Chhura, Police Station – Panduka, District-Gariyaband (C.G.)
 7. Ku. Chandani Bandhe, aged about 21 years, daughter of late Ganeshram Bandhe, resident of Railway Station Para Charmudiya, Kurud, Tahsil and Police Station- Kurud, District Dhamtari (C.G.) are present C/o Smt. Pingla Baghel, resident of Village – Gatapar, Tahsil & P.S. - Abhanpur, District – Raipur (C.G.)
 8. Vikas Kumar Bandhe, aged about 19 years, son of late Ganeshram Bandhe, resident of Railway Station Para, Charmudiya, Kurud, Tahsil and Police Station-Kurud, District Dhamtari (C.G.)
-Defendants

---- Applicants**Versus**

1. Smt. Jugbati Bai, aged about 68 years, wife of Shri Kanwal Singh Bandhe, resident of Railway Station Para Charmudiya, Kurud, Tahsil and Police Station-Kurud, District – Dhamtari (C.G.)
...Plaintiff
2. State of Chhattisgarh, through the Collector, Dhamtari (C.G.)

---- Respondents

For Applicants : Mr. D.N. Prajapati, Advocate.

For Respondent No.2 : Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

29/06/2016

(1) By the impugned order, applicants/defendants' application under Order 7 Rule 11 of the Code of Civil Procedure has been rejected by the trial Court, against which, the instant revision has been filed.

(2) Learned counsel for the applicants/defendants submits that the suit as framed and filed for declaration of title and permanent injunction is not maintainable and the plaintiff, respondent No.1 herein ought to have filed suit for partition.

(3) After hearing learned counsel appearing for the applicant and taking into consideration the averments made in the plaint and finding recorded by the trial Court in this behalf, I do not find any jurisdictional error in the impugned order warranting interference by this Court under its revisional jurisdiction.

(4) Accordingly, the civil revision fails and is hereby dismissed. No order as to costs.

Judge
(Sanjay K. Agrawal)
Judge

D/-

