

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(227) No. 225 of 2016**

Dr. (Smt.) D. Kiran W/o Shri D. Mahesh Babu, Aged About 49 Years
R/o Plot No. 22, Nandan Vihar Colony, In Front Of Minocha Colony,
Bilaspur, Tahsil And District Bilaspur (Chhattisgarh).....
(Defendant)

---- Petitioner**Versus**

1. Chhedi S/o Late Rambharos, Aged About 54 Years R/o Village
Khamhariya, Tahsil Takhatpur, District Bilaspur
(Chhattisgarh).....(Plaintiff)
2. State Of Chhattisgarh Through The Collector, Bilaspur District Bilaspur
(Chhattisgarh).....(Formal- Defendant)

---- Respondents

For the Petitioner	:	Shri Somnath Verma, Advocate.
For Respondent No.2/State	:	Shri S.C. Khakhariya, Dy.A.G.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order on Board****01/04/2016**

1. At the outset, Learned counsel for the Petitioner submits that for the moment he is not pressing the other grounds mentioned in the instant W.P. (227) and keeping the same reserved to be raised at an appropriate time and before an appropriate forum when occasion arises for disposal on their merits.

2. For the moment, Learned Counsel for the Petitioner submits that though the trial Court vide order dated 15.2.2016 directed the Plaintiff to affix the Court fee of Rs.23,000/- but the Court did not direct the Plaintiff to amend the plaint suitably regarding affixing of the Court fee in light of the order dated 15.2.2016 and also the matter is being continued without issuing notice to the State without assigning any reason for the same. On both

these counts, the instant W.P.(227) may be disposed of without noticing to Respondent No.1 as both the counts are relating to procedural laws and consequential facts.

3. On due consideration, after perusal of the instant petition, order dated 15.2.2016 and the order dated 8.3.2016, the instant petition is disposed of finally at the motion stage itself and the Court below is directed to issue notice to Defendant No.2/ State before hearing the matter further. The trial Court is further directed to direct the Plaintiff/ Respondent No.1 to amend the plaint filed in the Civil Suit No. J7A of 2016 regarding affixing of the Court fees and valuation of the suit in light of the order dated 15.2.2016.

4. The Petitioner may produce a copy of this order before the trial Court for compliance.

5. Registrar (Judicial) is also directed to transmit a copy of this order to the trial Court for compliance.

6. The W.P. (227) is disposed of.

7. No order as to costs.

Sd/-
Chandra Bhushan Bajpai
Judge