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HIGH COURT OF CHHATTISGARH, BILASPUR**Civil Revision No.117 of 2014**

Nitu Srivastava, widow of Late Pankaj Srivastava, aged about 29 years, resident of Jaiswal Gali, Old High Court Road, Bilaspur, Tahsil & District Bilaspur (CG), Civil and Revenue District Bilaspur.

---- Applicant**Versus**

1. Surendra Prasad Shrivastava, son of Late Ambika Prasad, aged about 69 years.
2. Meena Kumari, wife of Shri Surendra Prasad Shrivastava, aged about 62 years.

No.1 & 2 are residents of Behind City Dispensary, Gandhi Nagar, Ward No.30, Bilaspur, Tahsil-Bilaspur, District Bilaspur (CG)

3. State of Chhattisgarh, through the Collector, Bilaspur (CG)

---- Respondents

For Applicant	: Mr.B.P.Sharma and Ms.Supriya Upasane, Advocates
For Res.No.1 and 2	: Mr.Pushkar Sinha, Advocate
For Res.No.3	: Mr.Sameer Behar, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****27/07/2016**

1. In a suit filed by respondents No.1and 2/plaintiffs for declaration of title and permanent injunction, applicant/defendant No.1 herein filed an application under Order 7 Rule 11 (d) of the CPC stating inter-alia that the suit is barred by the provisions of the Specific Relief Act as well as Benami Transactions (Prohibition)

Act, 1988, suit has not been properly valued and the Court fee has not been paid in accordance with law.

2. The trial Court by the impugned order rejected the application finding no merit holding the suit is not barred by the provisions of law.

3. Against that order, the present civil revision has been filed.

4 Mr.B.P.Sharma, learned counsel appearing for the applicant, would submit that the trial Court has committed jurisdictional error in not rejecting the plaint barred by Order 7 Rule 11(d) of the CPC.

5. Mr.Pushkar Sinha, learned counsel appearing for respondents No.1 and 2, would support the order impugned.

6. After hearing learned counsel appearing for the parties and after going through the plaint, I am satisfied that the trial Court has not committed any jurisdictional error in rejecting the application at this stage as the trial Court has clearly recorded a finding that plaint discloses triable cause of action and the suit is not barred by the provisions of law as the question raised that the suit is barred by the provisions of the Specific Relief Act and Benami Transactions (Prohibition) Act, 1988 can be decided if such plea is raised by the defendant in her written statement before the trial Court.

7. I do not find any jurisdictional error in the impugned order.

Accordingly, the civil revision being without substance is liable to be and is hereby dismissed.

Sd/-

(Sanjay K Agrawal)
Judge

B/-