

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CR No. 96 of 2015**

1. Reshamlal S/o Bundram Satnami, Aged About 50 Years R/o Village Kot, P. S. And Tahsil Kasdol, Revenue District Balodabazar, Civil District Balodabazar, Chhattisgarh
2. Rajkumar S/o Bundram Satnami, Aged About 47 Years R/o Village Kot, P. S. And Tahsil Kasdol, Revenue District Balodabazar, Civil District Balodabazar, Chhattisgarh
3. Phool Bai W/o Kuber Satnami, Aged About 41 Years D/o Shobharam, R/o Village Boirdih, P. O. Khainda, Tahsil Balodabazar, Civil District Balodabazar, Chhattisgarh
4. Phoolleshwari W/o Bhuneshwar Satnami, Aged About 38 Years R/o Village & Post Khainda Tahsil Balodabazar, Revenue District Balodabazar, Civil District Balodabazar, Chhattisgarh
(Defendants)

---- Applicants**Versus**

1. Lakeshari D/o Dholbahra, Aged About 35 Years Caste Satnami, R/o Village Kot, P. S. And Tahsil Kasdol, Revenue District Balodabazar, Civil District Balodabazar, Chhattisgarh(Plaintiff)
2. State Of Chhattisgarh, Through Collector Balodabazar, Revenue District Balodabazar, Civil District Balodabazar, Chhattisgarh
(Defendant No.5)

---- Respondents

For Petitioners	: Mr. Ram Kumar Tiwari, Adv.
For Respondent No. 1	: Mr. Sanjay Patel, Adv.
For Respondent No. 2	: Mr. Aditya Sharma, PL
For other respondent	: Not served.

Order On Board**05/01/2016**

1. Heard on admission.
2. The instant civil revision has been preferred against the order dated 9-7-2015 passed by the Civil Judge Class I, Kasdol Distt. Balodabazar in Civil Suit No. 12-A/2014 (Lakeshari -v- Reshamlal and others) whereby learned court below has dismissed interim application under Order 7 Rule 11 of the C.P.C. filed by the applicants/defendants and has held that the defendants/applicants have failed to demonstrate any lawful cause to entertain the application under Order 7 Rule 11 of

the C.P.C. and the grounds raised in the said application may be decided after evidence on its own merit.

3. Being aggrieved by the said order, it is submitted by learned counsel for the applicants that the order passed by the court below is illegal and improper. The court below has failed to appreciate the grounds mentioned in the interim application for rejection of the plaint. Hence it is prayed that the impugned order dated 9-7-2015 be quashed and the interim application under Order 7 Rule 11, C.P.C. may be allowed.
4. Learned counsel for the applicants supported the grounds taken in the civil revision and submitted that the matter may be admitted for hearing and after due hearing, the revision may be allowed.
5. For the purposes of appreciation of the arguments advanced, the revision and annexed documents are perused. Also perused Annexure P-7 i.e. the application under Order 7 Rule 11, C.P.C.
6. Perusal of Annexure P-7 shows that defendants failed to show reason for rejection of the plaint as per requirement of Order 7 Rule 11, CPC. In fact, the application as filed does not indicate any specific provision upon which the plaint may be rejected on any of the grounds as shown in the Order 7 Rule 11 (a) to (f) of C.P.C. I do not find any illegality or impropriety committed by the court below while rejecting Annexure P-7. In the considered opinion of this Court, the trial Court was very correct in rejecting Annexure P-7. Also the court below held that whatever mentioned in the application may be disposed of after evidence on merit.
7. As the applicant failed to make out a case for admission and further hearing, the instant civil revision is dismissed at motion stage.
8. No order as to costs.

Sd/-
Chandra Bhushan Bajpai
Judge