

HIGH COURT OF CHHATTISGARH, BILASPUR

CR No. 130 of 2015

- Balram Devangan S/o Maujaram Devangan, Aged About 59 Years, R/o Balouda, P.S. & Tahsil- Balouda, District- Janjgir-Champa, (Chhattisgarh)(Defendant No.5)

---- Applicant

Versus

1. Vishram S/o Late Chintaram, Aged About 70 Years, Caste- Panika, R/o Balouda, P.S. & Tahsil- Balouda, Distt. Janjgir-Champa, (Chhattisgarh)(Plaintiff)
2. State Of Chhattisgarh, Through Collector, District Janjgir-Champa, (Chhattisgarh)(Defendant No.1)
3. Sub Divisional Officer (R) Janjgir, District- Janjgir-Champa, (Chhattisgarh)(Defendant No.2)
4. Sub Divisional Officer, Public Works Department, Janjgir, District Janjgir-Champa, (Chhattisgarh)(Defendant No.3)
5. Naib Tahsildar, Balouda, District Janjgir-Champa, (Chhattisgarh) (Defendant No.4)

---- Respondents

For Applicant	:	Shri F.S. Khare, Advocate
For Respondents/State	:	Shri Samir Behar, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

15/07/2016

1. The plaintiff instituted a suit for declaration of title, permanent injunction and possession holding that defendant No.5 has illegally made construction on the suit land for which which applicant/defendant No.5 filed an application under Order 7 Rule 7(A) of the Code of Civil Procedure (for short 'CPC') that plaint does not disclose triable cause of action which was rejected by the trial Court by the impugned order, against which this revision has been filed.
2. Learned counsel for the applicant would submit that the trial Court has committed jurisdictional error in passing the impugned order.

3. It is well settled law that to find out the triable cause of action, the examination of plaint is necessary and the defendant's documents and defendant's plea cannot be considered. The trial Court has clearly recorded a finding that plaint discloses the triable cause of action to which I do not see any jurisdictional error in passing the impugned order.

4. Consequently, the instant revision deserves to be and is hereby dismissed. No order as to costs.

Sd/-
(Sanjay K. Agrawal)
JUDGE