

HIGH COURT OF CHHATTISGARH, BILASPUR

CR No. 67 of 2014

1. Anil Kumar Dhurandhar S/o Mahendra Kumar Dhurandhar Aged About 58 Years Through- General Power Of Attorney Holder- Keshav Dhurandhar, R/o Azad Chowk, Raipur, Tah. And Civil & Revenue Distt. Raipur C.G.

---- Petitioner

Versus

1. Anupam Deshmukh S/o M.L. Deshmukh Aged About 52 Years R/o LIG-61, Sector-3, Karmachari Society, Pandit Deendayal Upadhyay Nagar, Raipur, Tah. And Civil & Revenue Distt. Raipur C.G.
2. State Of Chhattisgarh Thru- Collector, Raipur, Tah. And Civil & Revenue Distt. Raipur C.G.

---- Respondent

For applicant : Shri Ratan Pusty, Advocate.
For Respondent No.1 : Shri Amrito Das, Advocate.
For Respondent No.2/State : Shri Rahul Tamaskar, P.L.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

21/04/2016

With the consent of the parties, the matter is heard finally.

02. Challenge in the present revision is to the order dated 25.4.2014 passed by 6th Civil Judge, Class-II, Raipur rejecting the application as filed by the applicant under Order 7 Rule 11 of CPC.

03. Counsel for the applicant submits that in view of provisions of Section 257(g) of CG Land Revenue Code, the suit filed by the plaintiff/respondent No.1 is not maintainable and therefore, the plaint ought to have been rejected.

04. After considering the rival submission of the parties, it has been

observed by the Court below that the provisions of Section 257 of CG Land Revenue Code will not come in the way of trial Court to decide the suit, the point raised by the applicant can only be decided after taking evidence and therefore, rejected the application as filed by the applicant under Order 7 Rule 11 of CPC. There appears to be no illegality or infirmity in the order impugned warranting interference by this Court. The revision has no substance, the same is liable to be dismissed and is, accordingly, dismissed.

Sd/

(Pritinker Diwaker)

Judge

Khan