

HIGH COURT OF CHHATTISGARH, BILASPUR**Civil Revision No.128 of 2014**

1. Keja Bai W/o Late Shri Harishchand Dhruw, aged about 39 years.
2. Dhansingh, S/o Late Shri Harishchand Dhruw, aged about 21 years.
3. Minor Dhiraj Kumar, S/o late Shri Harishchand Dhruw, aged about 15 years.
4. Minor Veena D/o Late Shri Harishchand Dhruw, aged about 12 years.
5. Minor Lalit Kumar, S/o Late Shri Harishchand Dhruw, aged about 10 years.

Appellants No.3 to 5 are minor through their legal guardian mother Keja Bai W/o Late Shri Harishchand Dhruw,

All the appellants are residents of village Hirmi, Tahsil-Simga, District-Baloda Bazar-Bhatapara (CG)

---- Applicants

Versus

1. Ultratech Cement Limited (Hirmi Cement Plant), Hirmi, Tahsil Simga, District Baloda Bazar-Bhatapara (CG)
Larsen & Tubro Limited (Hirmi Cement Plant) Successor of the Cement Plant, through its Manager and Authorised Officer Sandeep Pandey, Ultratech Cement Limited, Hirmi, Tahsil-Simga, District Baloda Bazar-Bhatapara (CG)
2. State of Chhattisgarh through the Collector, Baloda Bazar, District Baloda Bazar-Bhatapara (CG)

---- Respondents

For Applicants	:	Mr.Rajeev Shrivastava, Advocate
For Res.No.1	:	Mr.B.D.Guru, Advocate
For Res.No.2	:	Mr.Neeraj Jain, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

15/07/2016

1. At the outset, learned counsel appearing for the applicants would submit that the applicants/defendants be permitted to raise the plea regarding the bar of the suit in their written statement and the trial Court be directed to frame the issue in that regard and further directed to frame the preliminary issue regarding that.
2. Prayer appears to be fair and reasonable.
3. If the defendants takes such a plea in their written statement, then issue would be framed by the trial Court in accordance with law and the trial Court would do well to decide the issue as preliminary issue in accordance with Order 14 Rule 2 (2) sub-rule (a) (b) of the CPC without being prejudiced by the impugned order.
4. With the aforesaid observation, the civil revision stands finally disposed of.

Sd/-
(Sanjay K.Agrawal)
Judge

B/-