

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Civil Revision No. 34 OF 2016**

Vijendra Bhatnagar, aged about 35 (Now 45) years, son of Shri R.S. Bhatnagar, resident of Hanuman Nagar, Raipur, Civil and Revenue District Raipur (C.G.)

---- Petitioner**Versus**

1. Sanjay Pandey @ Kripa Shankar, aged about 43 years, son of Shri Madan Gopal, resident of Shailendra Nagar, Raipur, Civil and Revenue District Raipur (C.G.)

2. The State of Chhattisgarh, Through the Collector, Raipur, District Raipur (C.G.)

---- Respondents

For applicant	: Mr. Malay Kumar Bhaduri, Advocate
For non-applicant No. 2	: Mr. Neeraj Jain, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****23/06/2016**

1. Defendant's application under Order 7 Rule 11 of the Civil Procedure Code (in short 'CPC') has been rejected by the trial Court holding that there is no ground to entertain such application.

2. Mr. Malay Kumar Bhaduri, Advocate appearing for the applicant submits that in view of the defence raised in application under Order 7 Rule 11 of the CPC, the plaint deserves to be rejected.

3. It is well settled law that in order to decide the application under Order 7 Rule 11 of the CPC, only plaint allegation on its face value have to be examined and if it discloses fair cause of action and it is not barred by law then it has go for trial.

4. After examination of the plaint and going through the impugned order, I do not find any good ground to entertain the revision and there is no jurisdictional error committed by the trial Court in rejecting the application under Order 7 Rule 11 of the CPC.

5. According, the revision deserves to and is accordingly dismissed. However, applicant is free to raise all the points in the written statement.

Sd/-

(Sanjay K. Agrawal)
Judge