

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Civil Revision No. 81 of 2016**

1. Shri M.D.Tiwari, aged about 71 years, S/o late Motilal Tiwari, Town Inspector Police

Now posted at.-C-11/12, Priyadarshini Nagar, Near Maharana Pratap Chowk, Civil & Revenue Distt. Bilaspur (C.G.)

2. Shri R.P. Sharma, aged about 69 years, S/o late Bhagirathi Sharma, City Supdt. Police, P.S. Chhaoni, Distt. Durg (C.G.)

Now posted at : office of the Add. S.P. Durg (Gramin)

Present Add. - House No.1, Street No. 12-A, Sector 9, Bhilai, Civil & Revenue Distt. Durg (C.G.)

---- Applicants
(Defendants)

Versus

1. Pradeep Jain, Aged about 40 years, S/o Late Panchamlal Jain, R/o M.P. Housing Board Colony, Titurdeeh, House No. 109, Durg, P.S. Mohan Nagar, Civil & Revenue Distt. Durg (C.G.), present address – House No.162/01, Maithil Para, Civil & Revenue Distt. Durg (C.G.) (Plaintiff)

2. State of Chhattisgarh, Through- Collector, Durg (C.G.)Defendant No. 4.

--- Non-applicants

For Applicants: Mr. Harshal Chouhan, Advocate.

For Non-Applicant No. 2: Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

15/06/2016

(1) Non-applicant No.1/plaintiff filed a suit for malicious prosecution on 15.5.1998. Applicants/defendants filed an application

under Order 7 Rule 11 of the Code of Civil Procedure (for short "CPC") after closure of plaintiff's evidence holding that the suit is not maintainable as sanction for prosecution has not been obtained from the State Government.

(2) The trial Court, by its impugned order dated 12.04.2016, has rejected the said application holding that such application has been filed to delay the trial of the suit.

(3) After hearing learned counsel appearing for the applicant and going through the records, I do not find any jurisdictional error in the order impugned warranting interference by this Court under its revisional jurisdiction as suit filed by the non-applicant/plaintiff is suit for malicious prosecution claiming decree of Rs.1,75,69,542/- and in which Section 197 of the Code of Criminal Procedure is not applicable.

(4) Accordingly, the revision fails and is hereby dismissed. However, the trial Court is directed to conclude the trial of the suit expeditiously preferably within a period of three months from the date of receipt of copy of this order.

Sd/-

(Sanjay K. Agrawal)

Judge

D/-

