

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR No. 144 of 2016

1. Ashwani Kumar Sharma S/o Late Ghurau Prasad Sharma,
Aged About 60 Years
2. Ashok Kumar Sharma S/o Late Ghurau Prasad Sharma,
Aged About 58 Years

Both R/o Opp. Ambika Jewelers, Subhash Nagar, Gond Para,
Bilaspur, Tahsil Bilaspur, Civil And Revenue District
Bilaspur, Chhattisgarh(Defendants)

---- Petitioners

Versus

1. Chandra Kumar Sharma S/o Late Ghanshyam Prasad
Sharma, Aged About 54 Years
2. Sanjay Sharma S/o Late Ghanshyam Prasad Sharma, Aged
About 50 Years
3. Raj Kumar Sharma S/o Late Ghanshyam Prasad Sharma,
Aged About 52 Years

All R/o Opp. Ambika Jewelers, Subhash Nagar, Gond Para,
Bilaspur, Tahsil Bilaspur, Civil And Revenue District
Bilaspur, Chhattisgarh(Plaintiffs)

---- Respondents

For Petitioners

Shri Ravindra Agrawal, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

19/10/2016

1. The petitioners/defendants are aggrieved by the order passed by the trial Court dismissing their application under Order 7 Rule 11 CPC.
2. Admittedly, the suit was filed in November, 2013 and after submission of written statement, the trial Court has framed the issue on 20.03.2014 and the trial is in progress. The plaintiffs have already examined their witnesses and the examination of defendants' witnesses is in progress. It is also to be seen that the defendants/petitioners have prayed for rejection of the plaint on the ground that the suit is apparently barred by limitation and it suffers from incorrect valuation. The trial Court has already framed issues on these two disputed questions and thus the parties are leading evidence on the issue, therefore, it may not be appropriate at this stage to record any finding either way on these aspects of the matter because it may affect the case of either of the party on those two issues.
3. In view of the above, the civil revision deserves to be and is hereby dismissed.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA