

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**F.A. No. 437 of 2017**

1. Arvind Kumar Sharma S/o Late Rajeshwar Prasad Sharma, Aged About 50 Years R/o House No. M I G 2 / 108, Pt. Ravishanker Shukl Nagar Post Office Tahsil & District Korba, Chhattisgarh. (Plaintiff)

---- Appellant**Versus**

1. Municipal Corporation, Korba Through Its Commissioner, Office Municipal Corporation, Saket Bhawan, I.T.I. Chowk, Post Box No. 12, District Korba, Chhattisgarh, Pin 495677 E-Mail-Corporationkorba@Gmail.Com

---- Respondent

For Appellant:

Shri Parag Kotecha, Advocate.

Single Bench: Hon'ble Shri Sanjay Agrawal, J**Order On Board****25.09.2017**

1. This is an appeal filed by the appellant, in which, registry has raised an objection regarding maintainability of this appeal preferred under Section 96 of the Code of the Civil Procedure, 1908, on the ground that since the plaintiff's suit for declaration of title and injunction was not rejected by the trial Court as only a direction was given to the appellant to value the suit properly while exercising powers enumerated under Order 7 Rule 11 (b) of the CPC while fixing the case on 14.09.2017.
2. Shri Kotecha, counsel for the appellant submits that the matter is again adjourned and further date given by the trial Court is 03.10.2017.
3. On due consideration of the observation as made by the trial Court

in its order impugned and particularly when the plaintiff's suit was not rejected till date as per the provisions prescribed under Section 7 Rule 11 of the CPC, therefore, the order impugned dated 01.09.2017 cannot be held to be a decree as per the provisions under Section 2 (2) of the CPC.

4. In view of the aforesaid fact, the instant appeal is not maintainable. Accordingly, the same is hereby dismissed as not maintainable. No order as to costs.

5. Registry is directed to return the certified copy of order sheets (Annexure A-1) to the appellant today itself after obtaining the photo copy of the same.

Sd/-

(Sanjay Agrawal)
JUDGE