NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP (227) No. 791 of 2016

K.V. George Kutty S/o Late Shri Vagais, 60 years, R/o Chruch Road, Shankar Nagar, Raipur, Tahsil & District Raipur (CG)

---- Petitioner

Versus

Manju Devi Dalmiya @ Anju Devi R/o 147-A-1, Girish Ghosh Road, Ghusdi, Howrah (W.B.) At present R/o C-509, Om Complex Fafadih, Raipur, Tahsil & District-Raipur (CG)

---- Respondent

For Petitioner : Mr. Prafull Bharat, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

06/02/2017

1. Learned counsel appearing for the petitioner would submit that order dated 29.3.2016 allowing the application under Order 7 Rule 11 of the CPC and rejecting the plaint is appealable under Section 96 of the CPC, therefore, the petitioner may be permitted to withdraw this writ petition with liberty to prefer an appeal before the appellate Court.

2. Since the order dated 29.3.2016 is appealable, the petitioner is at liberty to prefer an appeal before the appellate Court. If the petitioner prefers an appeal before the appellate Court, the appellate Court shall consider the fact that the writ petition remained pending before this Court as well as before the appellate Court and would do

well to consider and dispose of application for condonation of delay, if any, in accordance with law.

3. Withe the aforesaid liberty, the writ petition is dismissed as withdrawn. Certified copy of the order impugned be returned to counsel for the petitioner after furnishing duly attested copy of the same.

Sd/-

(Sanjay K.Agrawal)
Judge

B/-