

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (227) No. 1035 of 2015**

Purushottam Kumar Gupta, S/o Late Shri Devcharan Gupta, aged about 50 years, R/o Vidhya Up Nagar, Dr. Sahgal Gali, P.S.- Tarbahara, Civil & Revenue Distt. Bilaspur (C.G.) Plaintiff

---- Petitioner**Versus**

1. Sumit Kumar Gupta, S/o Late Shri Surendra Kumar Gupta, aged about 35 years, R/o Chingrajpara, Devman Chal, Near Samshanghat, Tahsil & Dist. Bilaspur (C.G.)
2. State of Chhattisgarh through District Magistrate, Bilaspur, Distt. Bilaspur (C.G.)

---- Respondents

For Petitioner : Mr. Awadh Tripathi, Advocate.
 For Respondent No.1 : Mr. Hemant Kesharwani, Advocate.
 For Respondent No.2 : Mr. Syed Majid Ali, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****03/05/2017**

(1) Legal representatives of defendant's No.1, after death of original defendant – Surendra Kumar Gupta, filed a counter claim. In that counter claim, the plaintiff, petitioner herein raised an objection under Section 151 of the Code of Civil Procedure (for short “CPC”), which has been rejected by the trial Court giving an opportunity to the plaintiff to file his reply to the counter claim, against which instant writ petition has been filed questioning the same.

(2) Legal representatives of original defendant has filed

counter claim; and the petitioner/plaintiff is entitled to raise all such legal objections against that counter claim; and on such objections are being raised, the trial Court shall consider those objections strictly in accordance with law at the appropriate stage.

(3) With the aforesaid observations, the writ petition stands finally disposed of.

Sd/-

(Sanjay K. Agrawal)

Judge

D/-