

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP (227) No. 1045 of 2015

Jagdish Ram, S/o Ghasuram Sahu, aged about 55 years, Ro Village-Nawagaon (Kandel), P.O. Kandel, Tahsil and District Dhamtari (CG)

---- Petitioner

Versus

1. Mohanlal Sahu, S/o Heeruram Sahu, aged about 53 years,
 2. Rameshwar, S/o Rewaram Sahu, aged about 37 years,
- Both are R/o Village-Nawagaon (Kandel), P.O. Kandel, Tahsil and District Dhamtari (CG)
3. The State of Chhattisgarh, Through the Collector, Dhamtari, District Dhamtari (CG)

---- Respondents

For Petitioner	:	Mr.P.P.Sahu, Advocate
For Respondent No.1	:	Mr.Shivendu Pandya, Advocate
For State	:	Mr.Aditya Sharma, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

08/05/2017

1. Learned counsel for the petitioner would submit that counter-claim filed by defendant No.1 against defendant No.2 has been entertained by the trial Court, which is not maintainable. After arguing for sometime, learned counsel for the petitioner would submit that he may be permitted to make an application under Order 7 Rule 11 of the CPC for dismissal of counter-claim.
2. Prayer appears to be fair and reasonable.
3. The petitioner is permitted to do so. If the petitioner prefers an application under Order 7 Rule 11 of the CPC, the trial Court would consider and decide the said application in accordance with law.
4. With the aforesaid observation, the writ petition finally stands disposed of.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-