

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (227) No. 677 of 2017**

Smt. Monalisha Agrawal W/o Shri Ajay Kumar Agrawal, aged about 27 years, R/o Danipara, Raigarh, District Raigarh (C.G.)

---- **Petitioner**

Versus

1. Mahadev Pehihari S/o Late Rameshwar Pehihari, aged about 37 years, Occupation – Agriculturist and Transporting, R/o Near Beladula Stop Dam, Raigarh (C.G.)

2. State of Chhattisgarh, through Collector, Raigarh(C.G.)

---- **Respondents**

For Petitioner	:	Mr. Alok Kumar Pandey, Advocate.
For Respondent No.2 / State	:	Mr. Arun Sao, Dy. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

25/10/18

1. By the impugned order dated 27.02.2017 the plaintiff's suit has been dismissed under Order 7 Rule 11 (b)(c) of CPC on the ground that despite order the plaintiff could not make payment of Court fee. The order has force of decree against which this writ petition has been filed.

2. Learned counsel for the petitioner submits that the impugned order is unsustainable and bad in law and is liable to be set aside.

3. Per contra, learned State counsel would support the order impugned.

4. I have heard learned counsel for the parties and perused the impugned order.

5. The order dismissing the suit under Order 7 Rule 11(b)(c) of CPC has the force of decree which is appealable under Section 96 of the

CPC and as such, this writ petition is not maintainable.

5. Accordingly, the writ petition is dismissed with no order as to cost(s). However, the petitioner would be at liberty to file an appeal in accordance with law.

6. Certified copy of the impugned order be returned to the counsel for the petitioner on furnishing attested photocopy thereof.

Sd/-

(Sanjay K. Agrawal)
Judge