

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 184 of 2018**

1. M/s. A.K. Cheraa Construction, Through: Its Proprietor Smt. Amar Jeet Kaur Chera, wife of Awtar Singh Chera, resident of Chera Villa, in front of Akansha School, St. Xavier Road, Awanti Viar, Telibandha, Raipur, District Raipur, Chhattisgarh

Instant petition is filed through Awatar Singh Chera, aged about 61 years, son of Late Preetam Singh Chera, resident of Chera Villa, in front of Akansha School, St. Xavier Road, Awant Vihjar, Telibandha, Raipur, District Raipur, Chhattisgarh. (General Power of Attorney Holder)

----Petitioner/plaintiff

Versus

1. M/s Prakash Industries Limited, Through Director (Finance) Champa, District Janjgir- Champa, Chhattisgarh.
2. M/s Prakash Industries Limited, thorough Senior General Manager (Civil) District Janjgir-Champa, Chhattisgarh.
3. M/s Prakash Industries Limited, through Director (Operation) Champa, District Janjgir-Champa, Chhattisgarh

---- Respondents/defendants.

For Petitioner	: Shri R.S. Baghel, Advocate.
For Respondents	: None

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

05/09/2018

1. Learned counsel appearing for the petitioner/plaintiff would submit that the trial Court is absolutely unjustified in rejecting the plaint as the trial Court has no jurisdiction to reject the plaint and, therefore, the impugned order is liable to be set aside.
2. I have heard learned counsel appearing for the petitioner and perused the impugned order with utmost circumspection.
3. The trial Court has rejected the plaint in exercise of power under Order 7 Rule 11 (d) of the Code of Civil Procedure (henceforth "CPC"), which has a force of decree,

therefore, the writ petition would not be maintainable, remedy of the petitioner is to file first appeal under Section 96 read with section 41 of the Code of Civil Procedure.

4. Thus, the writ petition is dismissed as not maintainable. However, the petitioner is at liberty to file appeal under Section 96 read with Section 41 of the CPC in accordance with law.

5. Certified copy of the impugned order be returned after furnishing attested photocopy thereof.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

