

HIGH COURT OF CHHATTISGARH, BILASPUR**Civil Revision No. 43 of 2017**

1. Smt. Geeta Sharma, W/o Ramkumar Sharma, aged about 57 years, R/o House No. 4, Anupam Nagar, Raipur (C.G.)
2. Smt. Nidhi Sharma, D/o Ramkumar Sharma, W/o Shri Anand Sharma through Hanuman Prasad Shukla (Advocate), Street No.1, friends Colony, Mova, Raipur (C.G.) (Defendants No. 1 & 2)

----Applicants**Versus**

1. Aradhna Mishra, D/o Shri Satish Mishra, W/o Prateek Sharma, aged about 31 years, E-101, Premium Arban Socieity, Sector-15, Part-2, Near Government Girls College, Gurgaon-122001 (Haryana) (**Plaintiff**)
2. Satish Mishra, S/o late Chandrika Prasad Sharma, aged about 66 years, R/o House No. 2/17, Near Chhattisgarh College, Civil Line, Raipur (C.G.)
3. Anurag Mishra, S/o Shri Satish Mishra, aged about 33 years, R/o House No. 2/17, Near Chhattisgarh College, Civil Line, Raipur (C.G.)
4. The State of Chhattisgarh, Through the Collector, Durg, District – Durg (C.G.)

(Defendants)**---- Respondents.**

For Applicants	: Shri Rishikant Mahobia. Advocate.
For Respondent No. 1	: Shri Dharendra Prasad Mishra, Advocate.
For Respondents No. 2 & 3	: Shri A.P. Sharma, Advocate.
For Respondent No. 4	: Shri Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****24/08/2018**

(1) In a suit filed by respondent No. 1/plaintiff for declaration of title, permanent injunction / recovery of possession, the applicant/defendants No. 1 & 2 filed an application under Order 7 Rule 11 of the Code of Civil Procedure (henceforth "CPC") stating that plaint is liable to be rejected as the suit is not properly valued as per market value and the suit is barred by limitation.

(2) The trial Court, by its impugned order dated 15.02.2017, rejected the application holding that the application has no merit as the suit has properly been valued and the question of limitation is essentially a mixed question of law and facts for which recording of evidence is necessary. In the considered opinion of this Court, it is not a case where the suit appears from the statement in the plaint to be barred by any law, as such, the trial Court is absolutely justified in rejecting the application filed under Order 7 Rule 11 of the CPC on the ground that it is barred by provisions of the Limitation Act.

(3) Under Order 7 Rule 11 (b) of the CPC, plaint can be rejected where the relief claimed is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so. It is not the case here as trial Court has not held that relief claimed is not properly valued and has not directed the plaintiff to correct the valuation within a time to be fixed by the Court, therefore, the trial Court is justified in rejecting the application for rejection of plaint on this ground.

(4) In view of above, I do not find any illegality or infirmity in the order impugned warranting interference of this Court under its revisional jurisdiction.

(5) The revision, being devoid of substance, is liable to be and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

