

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 543 of 2018

B.C. Jain S/o Late Gendalal Jain, Aged About 63 Years Proprietor,
M/s Indus Trade, G.E. Road, Ganjpara, Durg, District Durg
Chhattisgarh.

---- Petitioner

Versus

1. M/s U.B. Engineering Limited, Borai, Industrial Area, Borai,
District Durg Chhattisgarh.
2. J.K. Sardana, Managing Director, U.B. Engineering Limited,
Sahyadri Sadan, Tilak Road, Pune, Maharashtra.
3. Anil Bhoshle, Marketing Officer, U.B. Engineering Limited,
Sahyadri Sadan, Tilak Road, Pune, Maharashtra.
4. Mool Raj Modi, Director, U.B. Engineering Limited, Sahyadri
Sadan, Tilak Road, Pune, Maharashtra.
5. Digvijay Vaishnav, Street No. 2, Ward No. 3, New Colony Gaya
Nagar, Durg Chhattisgarh.

---- Respondents

For petitioner - Shri Jitendra Gupta, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

02/07/2018

Heard.

1. Instant petition is against the order dated 4/05/2018 passed in an application filed on a review petition which was against the original order dated 10/01/2017 whereby by a decree passed under Order 7 Rule 11 CPC suit filed by the plaintiff was dismissed.
2. Learned counsel for the petitioner submits that original order dated 10/01/2017 was apparently wrong, therefore the review petition was filed. And the review petition having been filed and dismissed, the court has the jurisdiction under Article 227 of the Constitution of India.
3. Perusal of the document would show that initial order of dismissal of the suit filed by the plaintiff was dated 10/01/2017 by invoking power under Order 7 and Rule 11 of CPC. Perusal of the order would show that

the decree was drawn while dismissing the suit. In any case when decree has been drawn for dismissing the suit, plaintiff/petitioner if was aggrieved would have filed an appeal against such judgement and decree on various grounds. Having not done so apparently same cannot be entertained by invoking power of review and thereafter by usurping power under Article 227 of Constitution of India.

4. Petition is completely misconceived and it is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE