

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (227) No. 717 of 2018**

Raju S/o Chandrabhan, aged about 41 years, Caste Kalar, R/o Narayangarh, Tahsil Dongargarh, District Rajnandgaon (C.G.)

---- **Petitioner**

Versus

1. Jaggu Ram S/o Hem Lal, aged about 52 years, Caste – Lodhi, R/o Village Pitepani, Tahsil Dongargarh, District Rajnandgaon (C.G.)
2. State of Chhattisgarh, through the Collector, Rajnandgaon, District Rajnandgaon (C.G.)

---- **Respondents**

For Petitioner	:	Mr. Ram Narayan Sahu, Advocate.
For Respondent No. 2/ State	:	Mr. Arun Sao, Dy. Advocate General
For Respondent No. 1	:	None.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****20/08/18**

Heard.

1. This writ petition has been preferred against the order passed by the trial Court on 20.11.2017 (Annexure – P/1) dismissing the suit in exercise of power conferred under Order 7 Rule 11 of Code of Civil Procedure (for short, 'C.P.C.').
2. In the considered opinion of this Court, the order rejecting the application under Order 7 Rule 11 of C.P.C. is appealable under Section 96 of the C.P.C., and as such, the writ petition is not maintainable.
3. Accordingly, the writ petition is dismissed as not maintainable. However, the petitioner would be at liberty to prefer an appeal under Section 96 of the C.P.C. in accordance with law. No cost(s).

4. Certified copy of the impugned order along with annexures and other documents be returned to the counsel for the petitioner on furnishing attested photocopy thereof.

SD/-

(Sanjay K. Agrawal)
Judge