

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**C.R. No. 100 of 2018**

Satyendra Singh S/o Late Ramvilash Singh, aged about 45 years, R/o House No. Birgaon, Raipur, District Raipur (C.G.) [substituted as defendant No. 1 by the trial Court and deleted the name of other defendants by trial Court on 28.06.2018, though plaint has not been properly amended as it reflects from cause title of impugned order].....[Defendant No. 1]

---- Applicant**Versus**

1. Smt. Alpana Devi W/o Prafull Kumar Majethiya, now aged about 55 years, R/o Geeta Nagar, Choubey Colony, Raipur, through power of attorney holder Shri Jayanti Lal Majethiya S/o Durlabhji Bhai Majethiya, aged about 80 years, R/o Geeta Nagar, Raipur, District Raipur (C.G.) [Description as per cause title of order].....[Plaintiff]
2. The State of Chhattisgarh, through Collector, Raipur, District Raipur (C.G.).....[Defendant No. 2]

---- Respondents

For Applicant	:	Mr. Malay Kumar Bhaduri, Advocate.
For Respondent No.2	:	Mr. Arun Sao, Dy. Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****29/08/18**

1. By the impugned order dated 04.08.2018 (Annexure – A/2), the application filed by the applicant / defendant No. 1 under Order 7 Rule 11(d) read with Order 22 Rule 9 and Section 151 of the Code of Civil Procedure has been rejected by the trial Court against which this civil revision has been preferred.
2. Learned counsel for the applicant submits that the impugned order is unsustainable and bad in law and is liable to be set aside as the trial Court had earlier brought on record one fictitious person as defendant and as such suit has abated.
3. On the other hand, learned State counsel would support the order impugned.

4. I have heard learned counsel for the parties.

5. The trial Court has rightly rejected the application filed by the applicant under Order 7 Rule 11 (d) of C.P.C. as he has already been substituted as defendant in place of originally substituted defendant in the civil suit and as such, I do not find any ground to interfere with the order rejecting the application filed under Order 7 Rule 11 (d) C.P.C.

6. Accordingly, the civil revision deserves to be and is hereby dismissed with no order as to cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge