

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 797 of 2018**

Smt. Kanchan Motwani, aged 36 years, wife of Shri Manohar Motwani, Resident of Sindhi Colony, Ward No. 3, Bemetara, P.S., Tahsil and District Bemetara (C.G.)

----Petitioner

Versus

1. Shri Nilesh Saluja, aged 42 years, Son of Ramsharan Saluja,
2. Navin Saluja, aged 37 years, Son of Shri Ramsharan Saluja
3. Smt. Nisha Saluja, aged 42 years, wife of Shri Nilesh Saluja,
4. Smt. Neha Saluja, aged 35 years, wife of Navind Saluja, R/o Krisna Vihar Colony of Bemetara, Raipur, National Highway, Bemetara (C.G.)
5. Branch Manager, Bank of Badoda, Bemetara Branch.
6. Branch Manager, Chola Manglam Investment & Finance Co. Ltd. Branch Bemetara (C.G.)
7. Pradhuikrit Adhikar, I.D.B.I. Bank Ltd. Branch, Bemetara
8. State of Chhattisgarh, Through Collector, Bemetara

---- Respondents

For Petitioner : Shri G.P. Mathur, Advocate.
For Respondent No.8/State : Shri Arun Sao, Dy. Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

19/09/2018

1. Petitioner/plaintiff's application under Section 35 of the Court Fee Act has been rejected by the impugned order on the ground that plaint is not supported by proper income certificate, against which instant writ petition has been filed questioning the same.
2. I have heard learned counsel appearing for the petitioner and perused the order impugned with utmost circumspection.
3. Since the application under Section 35 of the Court Fee Act has been rejected on the ground that incomplete and irrelevant income certified was filed along with the plaint, the

petitioner is at liberty to file fresh suit along with fresh income certificate obtained recently, that shall be considered by the trial Court in accordance with law without being prejudiced by the earlier rejection of the application.

4. With the aforesaid observations, the writ petition stands finally disposed of.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

