

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 869 of 2018**

1. General Manager, J K Lakshmi Cement Ltd. Village Malpurikhurd, Ahiwara, Tahsil Dhamda, District Durg (C.G.)
2. Director, J. K. Lakshmi Cement Ltd. Head Office 4th Floor, Nehru House, Bahadur Shah Zafar Road, New Delhi

---- Petitioners / Defendants**Versus**

1. Gajanand Patel S/o Late Bhojraj Patel, Caste Lodhi, Aged about 30 years, R/o Village Kanharpuri, P.O. Kareli, Tahsil Dhamdha, District Durg (C.G.).....(Plaintiff)
2. State of Chhattisgarh through the Collector, Durg, Tahsil and District Durg (C.G.)

---- Respondents

For Petitioners	:	Shri N. Naha Roy, Advocate.
For Respondent No. 2 / State	:	Shri Ashish Surana, PL.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****08/10/18**

1. Learned counsel appearing for the petitioners submits that petitioners/ defendants application filed under Order 7 Rule 11 of CPC was partly allowed by the trial Court and plaintiff was directed to correct the valuation of the suit but instead of correcting the valuation of suit, plaintiff filed an application under Section 114 of CPC for review of the order dated 14.09.2016. The trial Court though heard the application for review but thereafter, held that application under Section 114 of CPC will be decided at the time of final hearing and fixed the matter for written statement, aggrieved against which this writ petition has been preferred.
2. I have heard learned counsel for the petitioners.
3. Once the application under Order 7 Rule 11 of CPC has been partly allowed by the trial Court, the trial Court has to ensure the compliance of

the order dated 14.09.2016 and he cannot proceed further with the matter and if review application has been filed it ought to have been decided by the trial Court before proceeding further with the matter.

4. In view of the above, the trial Court is directed to decide the review application made against the order dated 14.09.2016 and thereafter, proceed with the matter.

6. With the aforesaid observation, the writ petition stands disposed of. However, the plaintiff would be at liberty to move an application for modification of the order if he is aggrieved. No order as to cost(s).

7. A copy of this order be sent to the trial Court through the concerned District Judge for needful and compliance.

Sd/-

(Sanjay K. Agrawal)
Judge