

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No.101 of 2019**

1. Lakhan S/o-Shri Budhram Aged about 50 years,
2. Makhan, S/o. Shri Budhram Aged about 45 years,

Both are resident of Village Lapti, Tahsil-Lormi, District-Mungeli (CG)

---- Petitioners**Versus**

1. Dukalu, S/o Shri Gayaram, Aged About 70 years, Resident of Village Lapti, Tahsil-Lormi, District Mungeli (CG)
2. State of Chhattisgarh Through Collector, Mungeli, District Mungeli (CG)

---- Respondents

For Petitioners	:	Mr.Vinay Pandey, Advocate
For Respondent No.2/State	:	Mr.Vimlesh Bajpai, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****15/02/2019**

1. By the impugned order, the trial Court has rejected the application filed by the petitioners/defendants under Order 7 Rule 11 of the CPC, against which, this writ petition has been preferred.
2. Learned counsel for the petitioners/defendants would submit that the trial Court is absolutely unjustified in rejecting the application under Order 7 Rule 11 of the CPC, as such, the impugned order deserves to be set aside.
3. I have heard learned counsel for the petitioners on the question

of admission of writ petition.

4. The petitioners/defendants have stated in their application under Order 7 Rule 11 of the CPC that market value of the suit house has not been mentioned in the plaint, it has not been valued properly and court fee has not been paid, therefore, plaint be rejected.
5. A careful perusal of the plaint would show that the suit house has been valued at ₹ 3000/- and court fee has been affixed after making the valuation of the suit, therefore, the trial Court is absolutely justified in rejecting the application under Order 7 Rule 11 of the CPC filed by the petitioners/defendants. I do not find any merit in this writ petition.
6. Accordingly, the writ petition being devoid of merit is liable to be and is hereby dismissed in *limine*. A copy of this order be sent to the concerned trial Court by fax/E-mail. No cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge