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**HIGH COURT OF CHHATTISGARH, BILASPUR****WP227 No.582 of 2018**

Brajendra Singh S/o Late Dr. Himmat Singh, aged about 55 years, R/o Chhuikhadan, Tahsil Chhuikhadan, District Rajnandgaon (CG)

---- Petitioner

**Versus**

Smt. Renu Singh W/o Brajendra Singh, aged about 49 years, R/o House No.07 of "Sharad Kumar Singh", Rajkishornagar, P.S. Sarkanda, Bilaspur, District Bilaspur (CG)

---- Respondent

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For Petitioner : Mrs. Meena Shashtri, Advocate

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order on Board****15.01.2019**

1. The petitioner/plaintiff filed a suit under Section 12 of the Hindu Marriage Act, 1955 for declaring the marriage as null and void, in which the defendant appeared and filed an application under Order 7 Rule 11 of the CPC stating that the suit is barred under Order 2 Rule 2 of the CPC. Learned Family Court accepted the application filed by the respondent/defendant under Order 7 Rule 11 of the CPC by holding the suit to be barred under Order 2 Rule 2 of the CPC and rejected the plaint, against which, this writ petition has been filed.
2. Learned counsel for the petitioner would submit that the suit has been dismissed on accepting the objection of other side, it is not final adjudication, therefore, the writ petition would be maintainable.
3. I have heard learned counsel for the petitioner and perused the impugned order.

4. Admittedly and undisputedly, application under Order 7 Rule 11 of the CPC has been accepted by the Family Court rejecting the plaint and order rejecting the plaint has a force of decree and it would be appealable, as such, the writ petition would not be maintainable.
5. Accordingly, the writ petition is dismissed as not maintainable. However, the petitioner is at liberty to prefer an appeal in accordance with law. Certified copy of the impugned order be returned to counsel for the petitioner after furnishing duly attested copy thereof. No cost(s).

Sd/-

(Sanjay K.Agrawal)  
Judge

B/-