

HIGH COURT OF CHHATTISGARH AT BILASPUR**WP227 No. 738 of 2019**

1. Smt. Nishant Fatima, Aged 71 years, Wife of Shri Mohd. Idrish, Occupation Housewife, Resident of E.A.C. Colony, Raipur, Tahsil and Distt. Raipur, Chhattisgarh.
2. Smt. Parveen Fatima, Aged 68 years, Wife of Shri M.A.K. Niyaji, Occupation House wife, R/o Flat No. 202, Exotica Greta, In front of T.V. Tower, Shankar Nagar, Raipur, Tahsil and Distt. Raipur, Chhattisgarh.

---Petitioners/Defendants No. 1 and 2**Versus**

1. G. Niyajuddin, Aged about 63 years, S/o Late Moyeenuddin, Occupation Business, R/o 315, E.A.C. Colony, Raipur, Tahsil and Distt. Raipur, Chhattisgarh.

--- Plaintiff

2. State of Chhattisgarh, through District Collector, Raipur, Chhattisgarh.

--- Defendant No. 3**---- Respondents**

For Petitioner	:	Mr. Kshitij Sharma, Advocate
For State	:	Mr. Sanjeev Agrawal, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****01/10/2019**

1. In civil suit No. 17-A/2019 (*G. Niyajuddin Vs. Smt. Nisha Fatima & Ors.*) filed by the plaintiff/respondent No. 1, defendants/petitioners herein, after entering into appearance, filed an application under Order 7 Rule 10 of the CPC stating that the suit shop is valued at ₹ 6,52,40,000 /- and plaintiff has wrongly valued the suit therefore, the plaint be returned which was rejected by learned 7th Civil Judge Class II, Raipur by order dated 16/08/2019 holding that this Court has the

jurisdiction for hearing of the said civil suit as the suit is valued by the plaintiff at ₹ 2,000 /- against which this writ petition has been preferred by the petitioners.

2. Mr. Kshitij Sharma, learned counsel for the petitioners would submit that apparently the suit is undervalued therefore, the trial Court has no jurisdiction to entertain it.
3. I have heard learned counsel for the petitioners at length.
4. Learned trial Court *prima facie* recorded a finding that the valuation of the suit is in accordance with law and rejected the application filed by the petitioners/defendants. Be that as it may, petitioners are at liberty to raise the plea of valuation of the suit before the trial Court while filing the written statement and that will be considered by the trial Court at appropriate time without being influenced by the impugned order.
5. With the aforesaid liberty reserved in favour of the petitioners, this writ petition stands disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet