

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 817 of 2019

- Hemant Chhabra S/o Late Melaram Chhabra, Aged About 52 Years, R/o Gondpara Behind Laxmi Sports, Tehsil and District Bilaspur Chhattisgarh. (Defendant), District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. Rajesh Kashayap S/o Ramasre Aged About 34 Years R/o Juna Bilaspur Behind Shyam Talkies Bilaspur, Tehsil and District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Vinod Kashyap S/o Ramasre Aged About 40 Years R/o Juna Bilaspur Behind Shyam Talkies Bilaspur, Tehsil and District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
3. State of Chhattisgarh Through Collector, Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

-----Respondents

For Petitioner : Shri Nisar Khan, Advocate.

For Respondent No.3/State: Shri Chandrabhushan Kesharwani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11/11/2019

1. This petition has been brought being aggrieved with the order dated 19-06-2019 passed by the trial Court by which the application filed by the petitioner under Order 7 Rule 11 of the CPC was rejected.
2. It is submitted that the application was filed making a statement that looking to the demarcation report that has been filed by the petitioner/defendant no cause of action is found in favour of the private respondents, therefore, rejection of the application is arbitrary and illegal.
3. Learned counsel appearing for the State/respondent No.3 makes formal objection.

4. On perusal of the impugned order and the other documents filed along with the petition, it is found that prayer under Order 7 Rule 11 of the CPC has been made on the basis of the document which has been filed by the petitioner/defendant for his reliance. A plaint can be rejected on the basis of the pleadings that may be made in the plaint itself. Therefore, no illegality is found in the order passed by the trial Court.
5. It is submitted by learned counsel for the petitioner that an alternative prayer has also been made for direction to the trial Court for expeditious disposal of the case on which order may be passed.
6. After due consideration, this petition is disposed off. The trial Court is directed to expedite the trial and conclude the case preferably within a period of one year from the date of passing of this order.
7. The petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge