

19.02.2021  
(S/L-07)  
Ct.-18  
(Susanta)

**(Via Video Conference)**

C.O. 195 of 2021

M/s. Ambala Kachibhai Patel & Brothers  
-Vs-  
Sri Ravi Sahankar Trivedi & Ors.

Mr. Anindya Chakraborty,  
..... For the petitioner.

The defendant in a suit for ejectment is the petitioner of the instant revisional application under Article 227 of the Constitution of India.

The learned Trial Judge by the order impugned being order no. 09 dated February 17, 2020, has dismissed an application filed by the petitioner seeking rejection of the plaint of the connected suit on the ground that the suit is hit by the principles of res judicata.

The Order VII rule 11 of the Code of Civil Procedure does not contemplate rejection of the plaint of a suit on the ground on which the application of the petitioner is founded.

The learned Trial Judge therefore has not committed any error in dismissing the said application of the petitioner.

The revisional application being C.O. 195 of 2021 is devoid of any merit and is dismissed.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)