

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 123 of 2021

Great Galleon Ventures Limited, through its authorized signatory Sunit Madhok, S/o. Late Shri Madan Lal Madhok, aged about 63 years, Managing Director, Great Galleon Ventures Ltd., 308-309, Princess Business Skypark, Scheme No. 54, AB Road, Indore (Madhya Pradesh).

---- Petitioners

Versus

Chhattisgarh Distilleries Limited, Bearing CIN U15520WB1988PLCO45554, having registered office at 610, 'O' Block New Alipore, Kolkata, West Bengal 700053 acting through Its Director Mr. Baby Joseph, S/o. Mr. K.J. Joseph Mobile 9584434727.

-----Respondent

For Petitioner : Mr. B.P. Sharma, Advocate with
Mr. M.L. Sakat & Mr. Vaibhav Tiwari,
Advocates

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

25/02/2021

1. This petition has been brought against the order dated 01.02.2021, passed by the learned Commercial Court, allowing the application filed by the respondent under order 6 Rule 17 of C.P.C.
2. It is submitted by the learned counsel for the petitioner, that initially a civil suit was filed by the respondent making valuation of Rs.25,000/- for permanent prohibitory injunction, Rs.25,000/- for

mandatory injunction and for damages of Rs.1,00,50,000/-. The petitioner filed an application under order 7 Rule 11 read with Section 151 of C.P.C. challenging the maintainability of the civil suit on the ground of valuation of the suit. The respondent then filed an application under Order 6 Rule 17 of C.P.C. to cure the defect pointed out by the petitioner in his application under Order 7 Rule 11 of C.P.C.. Therefore, the application for amendment was not fit to be allowed before the decision on application under Order 7 Rule 11 of C.P.C.. Hence, it is prayed that this petition be admitted for hearing and interim relief be granted to the petitioner.

3. Considered on the submissions made.
4. Order 7 Rule 11 (b) of C.P.C. itself speaks that where the relief claimed is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to fixed by the Court, fails to do so, in that case the plaint shall be rejected.
5. In this case the application under Order 7 Rule 11 of C.P.C. was pending and the Court could have required the respondent to correct the valuation of the suit. The application under Order 6 Rule 17 has been filed and the same has been allowed. Therefore, in the circumstances present, respondent was entitled for opportunity to make correction in the valuation of the suit and before such opportunity being given to him, the respondent has sought amendment in the plaint for such correction, which has been allowed, that does not amount to any violation of law or

injustice caused to any parties. The learned Court below has acted within the parameters of the jurisdiction available to it. Hence, this petition has no force, which is dismissed at motion stage itself.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram