

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU.**

CM(M) No. 95/2023

Sandhya Devi and Anr.

.... Petitioner(s)

Through :- Mr. Mohd. Aamir Awan, Advocate.

V/s

Bholi Devi and Ors.

....Respondent(s)

Through :- None.

Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER
30.10.2024.

As per report of the Registry, there is deemed service of the respondents. No one appears on their behalf today. Respondents are, accordingly, set ex-parte.

Through the medium of present writ petition, the petitioner has challenged order dated 29.04.2023 passed by learned Munsiff, Hiranagar whereby in a suit filed by the petitioners against the respondents, an application on behalf of the respondent/defendant for rejection of the plaint in terms of order 7 Rule 11 of CPC has been allowed and the plaint has been rejected. It is a settled law that rejection of plaint in terms of Order 7 Rule 11 of CPC amounts to passing of a decree, which is appealable in terms of Section 96 read with Order XLI of CPC.

It is a trite law that the High Court would normally not exercise its supervisory powers under Article 227 of the Constitution of India for interfering with an order which is appealable in nature. Therefore, the instant petition is not maintainable.

Accordingly, the petition is, **dismissed** with liberty to the petitioners to file an appeal against the impugned order.

(Sanjay Dhar)
Judge

Jammu:
30.10.2024
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