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HIGH COURT OF CHHATTISGARH AT BILASPUR

FA No. 221 of 2026

1 - Ms. Startup Engineers, I.D.B.I. Tashil And District Bilaspur, Through- Partner Fazle Rasool R/o H/88, Narmada Nagar, Nehru Nagar, Tahsil And District Bilaspur (C.G.) And Partner- Smt. Sujata Manik

2 - Smt. Shabnam Aara W/o Abdul Kalam Aged About 60 Years R/o Ward No. 7, House No. 1569, Gurughasidas Nagar, Mini Basti, Jarhabhatha, Tahsil And District Bilaspur (C.G.)

... Appellants

versus

1 - Bank Of Baroda Branch- Rosarb, Through- Chief Manager, Prahlad Kumar Jha, S/o Deochandra Jha, Aged About 45 Years, Address Bank Of Baroda, Regional Office Rajkishor Nagar Bilaspur, District- Bilaspur (Chhattisgarh)

2 - Rashtriya Laghu Ughog Nigam Limited (Government Of India Undertaking), Through- Manager, 204, A-Block, Cristal Arkid, Near Lodhipara Chowk, Raipur 492007 C.G.

3 - Vishwajeet Bhoumik Proprietor, Uddan Finance Company, Jarhabhatha, Bilaspur (C.G.)

4 - M/s. Abhilash Engineering Through Manager, Abhilash Banarjee, Office

Address- Uddan Finance Company Building, Jarhabhatha, Bilaspur, R/o Lane No. 3 And 4, Bangali Para, Sarkanda, Tahsil And District Bilaspur (C.G.)

5 - State Of Chhattisgarh Through The Collector, Bilaspur, District Bilaspur (C.G.)

... Respondents

For Appellants	:	Mr. Neeraj Kumar Sharma, Advocate along with Mr. Anurag Agrawal, Advocate
For Respondent no. 5- State	:	Ms. Diksha Gauraha, Dy. Govt. Advocate
For Respondent no. 1	:	Mr. Kalpesh Ruparel, Advocate

D.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Hon’ble Smt. Sushma Sawant, Judge

Order on Board

07.10.2026

Parth Prateem Sahu, J.

1. This first appeal is filed challenging the order dated 22.04.2026 passed by learned First District Judge, Bilaspur, C.G. in Civil Suit no. 88-A/2019, whereby the civil suit was dismissed under Order 07 Rule 11(d) of CPC.

2. Learned counsel for the respondent no. 1 raised an objection with regard to the maintainability of the first appeal. He submits that initially an application under Order 7 Rule 11 was filed before the learned trial Court which came to be dismissed vide order dated 24.06.2025 and against which the respondent bank has filed a Civil Revision bearing CR no. 315 of 2025. The said civil revision was allowed vide order dated 09.04.2026 and in the said order learned Single Judge has rejected the application filed under Order 7 Rule 11(d) of CPC.

Thereafter, First District Judge dated 22.04.2026 dismissed the suit in compliance of the order in Civil Revision which is put to challenge in this appeal. Order of revision is not put to challenge.

3. Learned counsel for the appellant would submits that the order impugned dated 22.04.2026 is passed by First District Judge dismissing the suit filed under Order 7 Rule 11 (d) of CPC and, therefore, first appeal would lie and accordingly, this appeal is filed.

4. We have heard learned counsel for the respective parties.

5. It is not in dispute that dismissal of the suit filed under Order 7 Rule 11(d) of CPC amounts to a decree and against that order, appeal would lie as provided under the Code of Civil Procedure. However, in the case at hand, the learned trial Court has initially rejected the application filed under Order 7 Rule 11 (d) of CPC and order rejecting the application was put to challenge in civil revision. The order rejecting application under Order 07 Rule 11 of CPC was set aside by the High Court in Civil Revision No. 315 of 2025 and in the said order there is also an order that the application stands rejected under Order 07 Rule 11 (d) of CPC being barred by law.

6. Relevant portion of the order is extracted below for ready reference.:-

> “9. The impugned order dated 24.06.2025 passed in Civil Suit (A)/88/2019 by the learned First Additional District Judge, Bilaspur (C.G.) is set aside. As a necessary corollary, the plaint in the aforesaid civil suit stands rejected under Order VII Rule 11 (d) CPC, being barred by law.”

7. The order impugned is only a consequential order passed by the leaned Civil Court. The order dismissing the civil suit under Order 7 Rule 11(d) CPC, is an order passed in Civil Revision and therefore, it is

apparent that the grievances of the appellant would be against the order passed in civil revision.

8. The appellant being aggrieved with the order passed in Civil Revision has also preferred the review application bearing REVP No. 173 of 2026 which also came to be dismissed vide order dated 13.07.2026.

9. In the aforementioned facts of the case, the order which is against the appellant is the order passed in Civil Revision dated 09.04.2026 which is to be challenged before appropriate forum in accordance with law, if appellant is aggrieved. Order passed by the learned trial Court is only a consequential order. Substantive order of rejection of plaint under Order 7 Rule 11 (d) of CPC is passed by High Court in Civil Revision No. 315 of 2025 and therefore, in the facts and circumstances of the case, this first appeal, in the opinion of this Court is not maintainable.

10. Accordingly the present first appeal stands **dismissed**. No order as to cost(s).

Certified copy as per rules.

Sd/- Sd/-

(Parth Prateem Sahu) **(Sushma Sawant)**

Judge Judge

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