CGHC010425262026 2026:CGHC:45972

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CR No. 232 of 2026

1 - Mehul Chandak S/o Shri Ramesh Chandak Aged About 35 Years R/o Plot No. 477, Road No. 24, Smriti Nagar, Junwani Bhilai, Tehsil And District Durg, Chhattisgarh

... Applicant(s)

versus

1 - Rohit Kumar Choudhary S/o Late Ashok Choudhary Aged About 42 Years R/o House No. 1/7, Shastri Nagar, Behind Titan And Raymond Show Room, G.E. Road, Supela Bhilai, Tehsil And District Durg, Chhattisgarh

... Respondent(s)

For Applicant(s) : Mr. Praveen Dhurandhar, Advocate

Hon’ble Shri Justice Sachin Singh Rajput

Order on Board

30/10/2026

Heard on admission.

2. This Civil Revision under Section 115 of the Code of Civil Procedure, 1908 (for short, ‘the CPC’) has been preferred by the applicant, questioning the legality, correctness and propriety of the impugned order dated 28.09.2026 passed by the learned Second Additional District and Sessions Judge, Durg (C.G.), in Civil Case No. CSA/51/2022, whereby the application filed by the applicant under Order VII Rule 11 of the CPC has

been dismissed.

3. Learned counsel for the applicant submits that the respondent/plaintiff has filed a suit for eviction against the applicant/defendant, claiming him to be a tenant in respect of the suit property. He submits that, as pleaded in the plaint, the suit property does not belong to the respondent/plaintiff, which fact has specifically been denied by the applicant/defendant in his written statement. It is further contended that there exists no relationship of landlord and tenant between the parties in respect of the suit property, as the property belongs to the Municipal Corporation and the respondent/plaintiff has no title over the same. Therefore, the respondent/plaintiff has no right to institute a suit for eviction against the applicant/defendant.

4. Learned counsel further submits that the plaint does not disclose any cause of action and that the requisite court fee has also not been paid. On these grounds, the applicant had preferred an application under Order 7 Rule 11 of the Code of Civil Procedure, 1908. However, the learned trial Court has committed an error in rejecting the said application despite the aforesaid grounds being specifically raised. He, therefore, prays that the impugned order deserves to be set aside and notice be issued to the respondent.

5. Heard counsel for the applicant and perused the record.

6. It is a settled principle of law that, while deciding an application under Order 7 Rule 11 of the Code of Civil Procedure, 1908, only the averments made in the plaint are required to be considered. In the present case, the application has been filed on the grounds that no cause of action has arisen, as there is no relationship of landlord and tenant between the parties; that the title over the suit property is also in dispute; and that proper court fees have not been paid.

7. The aforesaid contentions raised by the applicant involve disputed questions of fact and law, which can be appropriately examined during the course of trial and cannot be adjudicated at the stage of consideration of an application under Order 7 Rule 11 CPC. The learned Trial Court, upon due consideration of the pleadings and the material available on record, has rightly dismissed the application. This Court does not find any jurisdictional error or material irregularity in the impugned order warranting interference in exercise of its revisional jurisdiction.

8. Accordingly, the present Civil Revision is dismissed at the admission stage.

9. All pending applications, if any, stand disposed of.

Sd/-
(Sachin Singh Rajput)
Judge

Pawan