



Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

CIVIL REVISION NO. 67 OF 2011

APPLICANTS:

1. Naveen Malewar, S/o Late Shri Laxmi Narayan Malewar, aged about 42 years

-----(**Defendant No. 2**)

2. Praveen Malewar, Late Shri Laxmi Narayan Malewar, aged about 42 years

-----(**Defendant No. 3**)

Both R/o House No.26/1221, Guru Govind Nagar, Pt. Ravi Shankar Shukla Ward, Ward No.26, In front of New Bus Stand Pandri, Tahsil & District Raipur (C.G.)

VERSUS

NON-APPLICANTS:

1. Vijay Malewar, S/o Late Shri Laxmi Narayan Malewar, aged about 49 years, R/o House No.A/12, Sales Tax Colony, Kutchna Road, Khamhardeeh, Raipur, Tahsil & District Raipur (C.G.)

-----(**Plaintiff**)

2. Smt. Sarla Malewar, Wd/o Late Shri Laxmi Narayan Malewar, aged about 67 years

-----(**Defendant No. 1**)

3. Smt. Sulekha Mardhade, W/o R.K.Mardhade, aged about 50 years, R/o Quarter No.D-1/21 N.T.P.C.Colony, Seepat Township, Post Ujjawal Nagar, Bilaspur, Tahsil & District Bilaspur (C.G.)

-----(**Defendant No. 4**)

4. Smt. Manjusha Lohbare, W/o Sanjay Shyam Lohbare, aged about 46 years, R/o Flat No-201, Sanraj Vishwajeet Apartment, Padole Lay Out Swawlambi Nagar, Near Padole Hospital, Ring Road Nagpur - 22 (Maharashtra)

-----(**Defendant No. 5**)



②

8

✓
CIVIL REVISION UNDER SECTION 115 OF THE CODE OF CIVIL
PROCEDURE



32

HIGH COURT OF CHHATTISGARH AT BILASPUR

CIVIL REVISION No. 67 OF 2011

APPLICANTS : Naveen Malewar & another

VERSUS

NON-APPLICANT : Vijay Malewar & others

CIVIL REVISION UNDER SECTION 115 OF CPC

(Single Bench: Hon'ble Mr. N.K. Agarwal, J.)

Present : Shri Bhaskar Pyasi, Advocate for the applicants.

ORAL ORDER

(Passed on 30/09/2011)

1. Heard on admission.
2. The instant revision is directed against the order dated 03.03.2011, passed by Civil Judge, Class-II, Raipur, in Civil Suit No. 72-A/10.
3. The applicants sought rejection of plaint on the ground that plaintiff has not claimed consequential relief of possession in the partition suit filed by him.
4. The trial court dismissed the application on the ground that suit has been filed for declaration & injunction and the suit is not barred under Order 7 Rule 11 of CPC. It was further observed that suit has to be decided by the trial court within a period of six months as per order of this court.
5. Having heard the counsel appearing for the applicants and having perused the order impugned, I do not find any jurisdictional illegality in the order passed by the trial court.

6. By this time, the applicants must have filed their written statement and the trial court may have framed appropriate issues based on pleadings of the parties. The issues framed in the case shall be decided by the court in accordance with law, but so far as order impugned is concerned, the applicants could not point out any ground to say the suit is barred under Order 7 Rule 11 of CPC.
7. In view of above, since no jurisdictional illegality has been pointed out by the applicants, in the considered opinion of this court, the revision being devoid of substance is liable to be and is hereby dismissed. No order asto costs.

Sahu

Sd/-
N.K. Agarawal
Judge