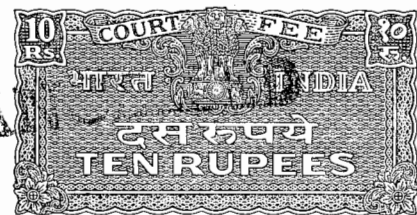




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IN THE HIGH COURT OF JUDICATURE AT BILASPUR(C.G)

CIVIL REVISION No. 44 /2009

CR 151

PETITIONER
DEFENDANT

Rukmandhwaj Patel, S/o
Late Devdhar Patel, aged
about 50⁵¹ years, Occupation -
Govt. Servant, R/o Govt.
Quarter Chakradhar Nagar,
Raigarh, Tahsil & District -
Raigarh (C.G.)

Single Bench

R.R. No. 869/09
Presented by Shri S. S. Verma
Dated 28.03.09

VERSUS

RESPONDENT
PLAINTIFF

R. Sujan Singh, S/o Late Bhagat
Singh, aged about 60 years,
Occupation- Business R/o
Kostapara, Raigarh, Tahsil &
District - Raigarh (C.G.)

CIVIL REVISION UNDER SECTION 115 OF THE CODE OF CIVIL

PROCEDURE


7/3/13

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HIGH COURT OF CHHATTISGARH AT BILASPUR

CIVIL REVISION NO. 44 OF 2009

APPLICANT : Rukmandhwaj Patel
Defendant

VERSUS

RESPONDENT : Sujan Singh
Plaintiff

(REVISION UNDER SECTION 115 OF CODE OF CIVIL PROCEDURE)

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

Present : Shri SC Verma, Advocate for the applicant.
Shri Varunendra Mishra on behalf of Shri Vihar Punjabi,
Advocate for the respondent.

ORAL ORDER

(Passed on 28.02.2013)

1. Instant revision is directed against the judgment dated 26.02.2009, passed by 3rd Additional District Judge, Raigarh, in Civil Appeal No. 53-A/08 reversing the judgment and decree dated 29.09.2007 passed by Civil Judge, Class-I, Raigarh, in Civil Suit No. 33-B/98.
2. Admittedly, the plaintiff is a money-lender. Plaintiff advanced a loan amount of Rs. 18,000/- to the defendant. As the same was not repaid by the defendant, suit was filed by the plaintiff on 05.08.1998. Maintainability of the suit was challenged by the applicant/defendant by raising objection that plaintiff is doing money lending business without having necessary registration certificate therefor.



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3. The trial court dismissed the suit affirming the objection raised by the defendant. However, first appeal preferred by the plaintiff was allowed vide judgment and decree impugned. Hence this revision.
4. As no second appeal shall lie from any decree, when the subject matter of the original suit is for recovery of money not exceeding Rs. 25,000/-, instant revision has been preferred by the applicant.
5. I have heard the counsel appearing for the parties and perused the judgment and decree impugned including record of the case.
6. Under Section 11-H of the MP Money Lenders Act, 1934, (for short, the Act), no suit for the recovery of a loan advanced by a money-lender shall proceed in a civil court until the court is satisfied that he holds a valid registration certificate.
7. Admittedly, the plaintiff was holding valid registration certificate which was granted in his favour in the year 2004 (Ex. P/1) and before that he was not holding any such certificate entitling him to do money lending business.
8. Section 11-H of the Act envisages that, where such certificate is not produced at the time of filing of suit and also after granting time to produce the same, then the suit is liable to be dismissed. The first appellate court, ignoring the above provision of law has passed the decree impugned, which, on the face, is contrary to Section 11-H of the Act, and is not sustainable in law.



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9. For the reasons mentioned hereinabove, the revision is allowed.
Judgment and decree passed by the court below is set aside. Suit stands dismissed.
10. The amount deposited by the applicant shall be refunded to him.

Sd/-
N. K. Agarwal
Judge

Sahu