

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**Civil Revision No.03 of 2016**

Madhu Swarnkar, aged about 53 years, S/o Shri Dhannulal Swarnkar, R/o 8-B, Rua Bandha, Opposite DPS School, Bhilai, District Durg (CG).

**---- Petitioner**

**Versus**

1. Shri Dhannulal Swarnkar, S/o late Parasram Swarnkar, Retd. Head Master, R/o Brahmanpara Durg.
2. Smt. Gayatri Swarnkar, aged about 50 years, W/o Shri Madhu Swarnkar, R/o 8-B, Rua Bandha, Opposite DPS School, Bhilai, District Durg.

**---- Respondents**

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For Petitioner	:	Shri Raja Sharma, Advocate.
For Respondents	:	Shri Ajay Shrivastava, Advocate

**Hon'ble Shri Justice Sanjay K. Agrawal**  
**Order On Board**

**30/06/2016**

(1) Heard on I.A.No.01, application for condonation of delay in filing the revision.

(2) On due consideration, I am satisfied that the petitioner has succeeded in explaining the cause of delay in filing the revision and, therefore, I.A. No.01 is allowed. Delay in filing the revision is condoned.

(3) Plaintiffs/respondents No.1 & 2 herein filed suit for declaration of title, eviction and permanent injunction, in which, defendant/applicant herein filed an application under Order 7 Rule 11 CPC read with Section 151 of CPC stating that the plaintiffs have not valued the suit properly and, therefore, the plaint is liable to be rejected.

(4) The trial Court, after hearing the parties, by its impugned order dated 22.09.2015 held that the suit is not under-valued and it is properly valued and rejected the application. Against which, this revision has been filed by the petitioner/defendant.

(5) Shri Raja Sharma, learned counsel appearing for the applicant would submit that the suit is under valued, therefore, the order of the trial Court is liable to be set-aside.

(6) It is opposed by Shri Ajay Shrivastava, counsel for the respondents/plaintiffs.

(7) I have heard learned counsel appearing for the applicant and perused the order impugned with utmost circumspection.

(8) The trial Court has clearly recorded a finding that the suit filed by the plaintiffs is properly valued and it is not under valued.

(9) After hearing learned counsel appearing for the parties, I do not find any jurisdictional error in the impugned order warranting interference by this Court under its revisional jurisdiction as the conditions precedent for granting Order 7 Rule 11 of the CPC are not satisfied.

(10) Accordingly, the civil revision being devoid of substance is liable to be and is hereby dismissed.

Sd/-

**(Sanjay K. Agrawal)**  
Judge

L/-

