

**HIGH COURT OF CHHATTISGARH, BILASPUR****CR No. 49 of 2023**

1. Ku. Sunanda, aged about 32 years, D/o. Surendra Kumar,
2. Sumendu Kumar, Aged about 29 years, S/o Surendra Kumar

Both are by Caste- Masih, resident of Beldar Para, Champa, Tahsil Champa, District Janjgir-Champa(CG) at present resident of 94 Paradise Complex, Borsi, Bhilai, District Durg (CG)

---- Applicants

**Versus**

1. Shantanu Masulkar, Aged About 52 Years son of late Panchram,
2. Ravindra Masulkar, aged about 46 years, son of late Panchram,
3. Mahendra Masulkar, aged about 42 years, son of late Panchram,
4. Mamta Kishan Nageshkar, aged about 40 years, daughter of late Panchram,
5. Sharda Anil Ghore, aged about 36 years, son of late Panchram,

All are resident of Thana Para, Champa, Tahsil Champa, District Janjgir-Champa (CG)

6. State of Chhattisgarh, through the Collector, District Janjgir Champa (CG)

---- Respondents

For the Applicants

Mr. H.S. Patel, Advocate

For the Respondents

Mr. R.M.Solapurkar, GA

**Hon'ble Shri Justice Narendra Kumar Vyas**

**Order on Board**

**27.04.2023.**

1. This revision has been preferred by Defendants under Section 115 of the Code of Civil Procedure, 1908 (hereinafter referred to as the 'CPC'), questioning the legality and propriety of the order dated 28.01.2023, passed by Civil Judge, Class- I, Champa in Civil Suit No. 20-A/2016, whereby, the learned trial Court has rejected the application filed under Order 7 Rule 11 of CPC on the count that the



averment made in the application is a matter of evidence which can be decided only at the time of final conclusion of trial after recording of the evidence.

2. I have heard learned counsel for the applicants and perused the record.
3. Considering the fact that the Civil Suit filed in the year 2016, more than 6 years has already lapsed. Even otherwise, the questions so raised are the mixed question of fact and law and would not fall any of the categories provided under Order 7 Rule 11 of CPC. Therefore, the said application seeking for rejection of the plaint has rightly been rejected by the trial Court and, I do not find any infirmity in the same so as to call for any interference in this petition.
4. It is directed that the trial court will make an endeavor to conclude the trial within an outer limit of 1 year and 6 months from the date of receipt of certified copy of this order, as the suit is pending since 2016 about 7 years has already been lapsed. Trial Court shall decide the case on its own merit.
5. It is directed that the trial Court will give sufficient opportunity to the plaintiff and the defendants for adducing their evidence. It is made clear that the plaintiff and defendant will not adopt the delay tactics for lingering the present suit.
6. With this observation, the Civil revision is dismissed at the admission stage itself.

Sd/-

**(Narendra Kumar Vyas)**  
**Judge**