

**(2018) 09 CHH CK 0052**

**Chhattisgarh High Court**

**Case No:** Civil Revision No. 103 Of 2018

Mukund Krishna Agrawal And  
Ors

APPELLANT

Vs

Mahendra Agrawal

RESPONDENT

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**Date of Decision:** Sept. 4, 2018

**Acts Referred:**

- Code Of Civil Procedure 1908 - Section 151, Order 7 Rule 11, Order 7 Rule 11(b)

**Hon'ble Judges:** Sanjay K. Agrawal, J

**Bench:** Single Bench

**Advocate:** S. Agrawal

**Final Decision:** Dismissed

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### **Judgement**

Sanjay K. Agrawal, J

1. By the impugned order dated 03.08.2018 (Annexure - A/1), the applicants / defendants application under Order 7 Rule 11 read with Section 151 of

the C.P.C. has been rejected by the trial Court against which this civil revision has been preferred.

2. Learned counsel for the applicants submits that the trial Court is absolutely unjustified in rejecting the application of the defendants under Order 7

Rule 11 of C.P.C. as in a suit filed by the respondent / plaintiff, the suit property has not been valued properly which is contrary to provision of the

Court fees Act, 1870 and, therefore, the impugned order be set aside.

3. I have heard learned counsel for the applicants.

4. The trial Court has held that the suit has been valued in accordance with law relying upon the certificate dated 10.01.1996 and, therefore, the

application under Order 7 Rule 11 is liable to be rejected. Under Order 7 Rule 11(b) of C.P.C., the relief claimed is under valued and plaintiff is being

directed by the Court to correct the valuation within the time fixed by the Court but he failed to do so. The present is not the case where Order 7 Rule

11 (b) is attracted. The trial Court has not held that the relief claimed is under valued and has not required the plaintiff to correct the valuation within

the time fixed, as such the trial Court is absolutely justified in rejecting the application of the applicants / defendants. I do not find any ground to

interfere in the order of the trial Court.

5. Accordingly, the civil revision deserves to be and is hereby dismissed.