

(2018) 09 CHH CK 0151

Chhattisgarh High Court

Case No: Writ Petition (227) No. 671 Of 2018

Bena Bai And Ors

APPELLANT

Vs

Chhattisgarh State Power
Distribution Company Ltd. And
Ors

RESPONDENT

Date of Decision: Sept. 10, 2018

Acts Referred:

- Code Of Civil Procedure 1908 - Order 7 Rule 11, Order 7 Rule 11(c)
- Constitution Of India, 1950 - Article 227

Hon'ble Judges: Sanjay K. Agrawal, J

Bench: Single Bench

Advocate: Rakesh Jain, Abhishek Sinha

Final Decision: Dismissed

Judgement

Sanjay K. Agrawal, J

1. The plaintiffs suit was dismissed by the trial Court by invoking Order 7 Rule 11(c) of C.P.C. against which this writ petition under Article 227 of the

Constitution has been filed.

2. Learned counsel for the petitioners / plaintiffs submits that the impugned order is unsustainable and bad in law and liable to be set aside.

3. I have heard learned counsel for the petitioners.

4. The suit has been dismissed under Order 7 Rule 11 of C.P.C. which has the force of decree in view of the decision rendered by the Supreme Court

in the cases of Chandi Prasad v. Jagdish Prasad (2004) 8 SCC 724 Shamsher Singh v. Rajinder Prashad and others (1973) 2 SCC 524 and Rishabh

Chand Jain v. Ginesh Chandra Jain (2016) 6 SCC 675.

5. In view of the above, the writ petition is dismissed as not maintainable. However, the petitioners would be at liberty to file an appeal in accordance with law. No cost(s).