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(2018) 08 CHH CK 0348

Chhattisgarh High Court

Case No: C.R. No. 100 Of 2018

Satyendra Singh APPELLANT

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Alpana Devi And Ors RESPONDENT

Date of Decision: Aug. 29, 2018

Acts Referred:

• Code Of Civil Procedure 1908 - Section 151, Order 7 Rule 11(d), Order 22 Rule 9

Hon'ble Judges: Sanjay K. Agrawal, J

Bench: Single Bench

Advocate: Malay Kumar Bhaduri, Arun Sao

Final Decision: Dismissed

Judgement

Sanjay K. Agrawal, J

1. By the impugned order dated 04.08.2018 (Annexure - A/2), the application filed by the applicant / defendant No. 1 under Order 7 Rule 11(d) read

with Order 22 Rule 9 and Section 151 of the Code of Civil Procedure has been rejected by the trial Court against which this civil revision has been

preferred.

- 2. Learned counsel for the applicant submits that the impugned order is unsustainable and bad in law and is liable to be set aside as the trial Court had
- earlier brought on record one fictitious person as defendant and as such suit has abated.
- 3. On the other hand, learned State counsel would support the order impugned.
- 4. I have heard learned counsel for the parties.
- 5. The trial Court has rightly rejected the application filed by the applicant under Order 7 Rule 11 (d) of C.P.C. as he has already been substituted as

defendant in place of originally substituted defendant in the civil suit and as such, I do not find any ground to interfere with the order rejecting the

application filed under Order 7 Rule 11 (d) C.P.C.

6. Accordingly, the civil revision deserves to be and is hereby dismissed with no order as to cost(s)