

(2018) 08 CHH CK 0348

Chhattisgarh High Court

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

Satyendra Singh

APPELLANT

Vs

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)