
(2018) 09 CHH CK 0112

In the Chhattisgarh High Court

Case No : Writ Petition (Art. 227) No. 700 Of 2018

Mongra Bai

APPELLANT

Vs

Chhotelal And Ors

RESPONDENT

Date of Decision : 06-09-2018

Acts Referred:

Code Of Civil Procedure 1908 — Section 151, Order 6 Rule 17, Order 7 Rule 14(3)

Citation : (2018) 09 CHH CK 0112

Hon'ble Judges : Sanjay K. Agrawal, J

Bench : Single Bench

Advocate : Meenu Banerjee, Aditya Sharma

Final Decision : Allowed

Judgement

Sanjay K. Agrawal, J

1. Heard.

2. The plaintiff's application under Order 6 Rule 17 read with Section 151 of the CPC has been rejected on the ground that the application under Order

7 Rule 14(3) read with Section 151 of the CPC has already been rejected and it is consequential to that application.

3. Learned counsel for the petitioner / plaintiff submits that the order impugned is unsustainable and bad in law.

4. The application under Order 6 Rule 17 of the CPC ought to have been decided on its own merit which has not been done and the same has been

rejected on the ground which is impermissible in law.

Therefore, the impugned order is set aside and the trial Court is directed to consider the application under Order 6 Rule 17 of the CPC on its own

merit within seven days from the date of submission of a copy of this order, after

hearing the opposite party. Respondents No.1 and 2 are at liberty to make an application for modification of this order, if aggrieved.

5. The writ petition is allowed to the extent indicated herein-above. No order as to cost(s).