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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****SA No. 266 of 2020**

Smt. Snehal Moghe W/o Shri Pramod Moghe Aged About 60 Years R/o 3/1355, Mahamaya Vihar, Warehouse Road, Bilaspur, Tehsil And District Bilaspur Chhattisgarh

... Appellant/Plaintiff**versus**

1 - Smt. Pushpadevi Ramkrishna Purohit W/o Late Shri Ramkrishna Purohit Aged About 83 Years Resident Of C/o Shri Tushar Atre, A/2 Super Estate, Mahveer Nagar, Raipur Tahsil And District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

2 - Smt. Meena @ Santwana Agrawal W/o Dr. Shyam Sundar Agrawal At Present Aged About 54 Year, W/o Dr. Shyam Sundar Agrawal, R/o Santwana, In Front Of Punjab Garden, M.G. Road, Ambikapur, District Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

3 - Smt. Varsha Atre W/o Shri Tushar Atre Aged About 50 Years R/o A/2 Super Estate, Mahveer Nagar, Raipur, Tahsil And District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

4 - Mahesh Kumar Lalchandani S/o Shri Jeevan Lal Lalchandani R/o Rajendra Nagar, Tailors Cityman/in Front Of Mosque, Provisional Stores, Police Station Civil Line, Bilaspur, Tahsil And District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

5 - State Of Chhattisgarh Through Collector, Bilaspur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

... Respondents/Defendants

For Appellant : Ms. Shivali Dubey, Advocate

For Respondent No.5/State : Ms. Mandvi Bharadwaj, Panel Lawyer

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Order On Board**07.8.2025**

1. This second appeal has been preferred by the appellant/plaintiff under Section 100 of the Code of Civil Procedure, 1908, challenging the judgment



and decree dated 20.01.2020 passed in Civil Appeal No.33A/19 by Upper District Judge, Bilaspur (CG) upholding the Order dated 17.12.2018 passed by 9th Civil Judge Class-II, Bilaspur (CG), whereby Civil Suit No.23A/2018, filed by the appellant/plaintiff was dismissed under Order 7 Rule 11(b) of the CPC for insufficiency of the valuation and non-payment of adequate Court fee.

2. At the outset, learned counsel for the appellant/plaintiff submits that the appellant/plaintiff wants to comply with Orders dated 09.10.2018 and 17.12.2018 passed by 9th Civil Judge Class-II, Bilaspur (CG) in Civil Suit No.23A/2018 and upheld by the first appellate Court. Vide Order dated 09.10.2018, the learned trial Court had directed the appellant to value the suit properly and deposit adequate Court fee as per Section 7(vi-a) of the Court Fees Act, 1870. Learned counsel for the appellant further submits that this appeal may be disposed of by granting adequate time to the appellant to comply with Orders passed by the trial Court and also directing the trial Court to restore the civil suit in its original number.

3. Learned counsel for the State has no objection in allowing the aforesaid prayer.

4. On due consideration, prayer made by the appellant is allowed. She is permitted to withdraw this appeal. Further, 60 days time is granted from today to comply with Orders dated 09.10.2018 and 17.12.2018 passed by the trial Court. If the Orders are complied with within the stipulated period, then the trial Court is directed to restore Civil Suit No.23A/2018 in its original number and after issuing notice to the defendants, further proceedings be carried out, in accordance with law.

Sd/-
(Naresh Kumar Chandravanshi)
Judge