

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WP227 No. 1283 of 2025****SANTOSH KOTHARI *versus* PRABANDHAK MANDAL KARALAYA****Order Sheet**

09/12/2025	Mr. Sunil Otواني, Sr. Advocate along with Mr. Rupal Sharma, learned counsel for the petitioner. Mr. R. S. Patel, learned counsel for respondents No. 1 to 4 on advance copy. Mr. Topilal Bareth, P. L. for respondent No.5/ State. Mr. Ramakant Mishra, Dy. S. G. for respondent No.6/UOI. Heard. Issue notice to the respondents. Respective counsel accept notice on behalf of respective respondents. PF need not be paid. Also heard on I. A. No.1, application for grant of interim relief/ stay. Learned counsel for the petitioner submits that the petitioner has filed a suit for declaration, permanent injunction and possession in



Parul	respect of suit property which are betterly described with the plaint. He submits that respondents No. 1 to 4/ defendants have filed an application under Order 7 Rule 11 of CPC before the learned Civil Judge for rejection of the plaint which was dismissed vide order dated 02.12.2024 which was subject to challenge in Miscellaneous Appeal filed under Order 43 Rule 1 of CPC by respondent No.1. Vide impugned order, the said appeal was allowed and the petitioner was directed to pay the requisite Court fee after valuing the boundary wall and the constructed residential premises. He submits that the learned Civil Judge has rejected the application under Order 7 Rule 11 of CPC against which miscellaneous appeal under Order 43 Rule 1 of CPC would not be maintainable, thus the impugned order is beyond jurisdiction. Mr. Patel seeks and is granted 6 weeks' time to file return. Till next date of hearing, the effect and operation of impugned order dated 15.11.2025 passed in Miscellaneous Civil Appeal No.03/2025 by the 3rd District Judge, Rajnandgaon (CG), shall remain stayed. List this case in the month of February, 2026. Sd/- (Sachin Singh Rajput) Judge
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