

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH**  
**AT SRINAGAR**

CM(M) No. 72/2022

Mohammad Hussain Chapri

...Petitioner(s)

Through: Mr Hakim Suhail Ishtiaq, Advocate.

**Vs.**

Ghulam Ahmad Mir and Others

...Respondent(s)

Through:

**CORAM:**

**HON'BLE MR JUSTICE JAVED IQBAL WANI, JUDGE**

**ORDER**

28.04.2022

The short grievance projected by the petitioner in the instant petition is that in a civil suit filed by the respondent No. 1 herein against the petitioner in the court of Munsiff, Kangan, an application in terms of Order VII Rule 11 has been filed for rejection of suit immediately after institution of the suit upon entering appearance by the petitioner herein.

It is being contended by the learned counsel for the petitioner that trial court instead addressing to the said application in the first instance is proceeding ahead with the consideration of the suit as also the application for interim relief, in that, the decision of the said application would go to the root of the case and will decide its fate.

Learned counsel for the petitioner prays for disposal of the instant petition at this stage with a direction to the trial court to address to the application filed by the petitioner under Order VII Rule 11 CPC before proceeding ahead with the trial of the suit.

The prayer made by the learned counsel for the petitioner qua disposal of the instant petition seemingly is convincing and, as such, it is deemed appropriate that instead of retaining the petition on board before this court to dispose of the same with a direction to the trial court to consider and dispose of the application stated to have been filed by the petitioner under Order VII Rule 11 CPC in the first instance before proceeding ahead in the suit. Ordered accordingly. The said exercise be undertaken expeditiously and appropriate orders be passed preferably within a period of four weeks from the date a copy of this order is passed before the trial court.

A copy of this order be furnished to learned counsel for the petitioner under the seal and signature of Joint Registrar Cum Bench Secretary of this court.

Disposed of.

**(JAVED IQBAL WANI)**  
**JUDGE**

**SRINAGAR**

28.04.2022

*"Ishaq"*