

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No.304 of 2015

Date of Decision: 14.01.2015

M.R. Finlease Ltd. (formally M.R. Finlease Pvt. Ltd.)

. . . . Petitioner

Vs.

Rajbir Singh and another

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Gopal Sharma, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

This revision petition is directed against the order dated 10.10.2014 by which suit filed by the petitioner has been dismissed under Order 9 Rule 2 of the Code of Civil Procedure, 1908 [for short 'the Act'] because of non-filing of the process fee for issuance of summons to the defendants.

Learned counsel for the petitioner has submitted that the occasion has arisen for him to file this revision petition because as per the previous zimini orders, the defendants had already appeared.

Be that as it may, the remedy still lies with the petitioner under Order 9 Rule 4 of the CPC before the same Court apprising it of the previous zimini orders passed by the said Court as per which the defendants had already summoned and appeared and the suit could not have been dismissed under Order 9 Rule 2 of the CPC.

In view thereof, learned counsel for the petitioner prays for withdrawal of the petition with liberty to file an appropriate application under Order 9 Rule 4 of the CPC before the same Court.

Dismissed as withdrawn.

Liberty granted.

14.01.2015

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**