

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

(218)

CR No.4506 of 2013 (O&M)

Decided on: May 15, 2015.

Dilbagh Singh

.... Petitioner

Versus

Dalbir Kaur and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: None.

M.M.S. BEDI, J (ORAL)

This is a revision petition against the order dated 15.03.2013 rejecting the plaint of the plaintiff-petitioner under Order 7 Rule 11 CPC. Notice was issued to the respondents. Respondent No.1 was represented by counsel on the last date of hearing. No one has put in appearance on behalf of the parties today.

I am gone through the facts and circumstances of the case.

The plaintiff-petitioner had filed a suit for specific performance of agreement of sale dated 03.12.2003. The said suit was resisted by the defendants-respondents by filing an application under Order 7 Rule 11 CPC. The said application of the defendants-respondents was allowed and the plaint has been rejected vide impugned order. If seen in context to definition of decree under Section 2 (ii) CPC an order rejecting the plaint is included in the definition of decree. In view of the impugned order being a decree, the same would be an appealable order.

This revision petition is dismissed as not maintainable without prejudice to the right of the petitioner to avail the alternative legal remedy. It is observed that in case the appeal is filed within a period of one month, the petitioner will be entitled to benefit of Section 14 of the Limitation Act.

(M.M.S. BEDI)
JUDGE

May 15, 2015
harsha