

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

CR No.6265 of 2015

Date of decision: 22.09.2015

Urmil Yadav

....Petitioner

Versus

Rohtas Singh and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present:- Mr. Akshay Bhan, Sr. Advocate
with Mr. Alok Mittal, Advocate
for the petitioner.

RITU BAHRI J. (Oral)

The present petition has been filed by the petitioner under Article 227 of the Constitution of India, for setting-aside the impugned order dated 14.01.2015 passed by Civil Judge (Jr. Division), Gurgaon, whereby the application under Order 7 Rule 11 CPC filed by the petitioner has been dismissed.

Learned senior counsel for the petitioner *inter alia* contends that while dismissing the application under Order 7 Rule 11 CPC, it has been observed that the Court fee has been rightly affixed as per the sale consideration i.e. Rs.2,50,000/- and Rs.3,00,000/-. However, there is no challenge to the sale deed executed in favour of the present petitioner-defendant No.3 who is

in possession of the property.

The suit itself could not be dismissed under Order 7 Rule 11 CPC. However, the plaintiffs in the absence of seeking setting-aside the sale deed in favour of the petitioner-defendant No.3, can seek recovery of the earnest money.

Accordingly, the civil revision petition stands disposed of.

(RITU BAHRI)
JUDGE

22.09.2015
yakub