

Civil Revision No.4116 of 2016

-1-

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No.4116 of 2016

Date of Decision: 13.7.2016

Sunil Sharma

---Petitioner

versus

State of Haryana and others

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr.Lajpat Sharma,, Advocate
for Mr. Lalit Pardhan, Advocate
for the petitioner**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

Rekha Mittal, J.

The present petition lays challenge to order dated 27.5.2016 passed by the Civil Judge (Senior Division), Bhiwani dismissing the application filed by the petitioner seeking exemption from service of notice under Section 80 of the Code of Civil Procedure (for short "CPC").

The sole submission made by counsel for the petitioner is that even if trial court has arrived at a conclusion that no such urgency was involved warranting exemption from notice required to be served under Section 80 CPC, the plaint could be returned for presentation after service of necessary notice but the trial court has rejected the plaint without appreciating the provisions of Section 80 CPC in right perspective.

I have heard counsel for the petitioner and perused the paper book.

A plain reading of proviso appended to Section 80 CPC would substantiate contention of the petitioner that if the Court is satisfied that no urgent or immediate relief need to be granted in the suit, the Court shall return the plaint for presentation to it after complying with the requirements of Sub Section (1). In this view of the matter, the order dated 27.5.2016 is modified to the extent that the plaint is ordered to be returned in place of being rejected.

Disposed of accordingly.

(Rekha Mittal)
Judge

13.7.2016

PARAMJIT