

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

CR No.3764 of 2017 (O&M)
Date of decision : 21.08.2017

Dr. Anurag Bishnoi

...Petitioner

Versus

Mahabir Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ajay Jain, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

At the outset, learned counsel for the petitioner has very fairly stated that since the order passed by the Court is to return of the plaint, which is under Order 7 Rule 10 CPC, therefore, appeal would be maintainable under Order 43 Rule 1(a) CPC. He seeks permission to withdraw the revision petition.

Although, it is true that the application under Order 7 Rule 11 CPC was filed by the defendant, however, the order passed by the Court is under Order 7 Rule 10 CPC.

In view thereof, the present revision petition is permitted to be withdrawn with a liberty to file appeal before the First Appellate Court within a period of 15 days from today.

The Court would consider the application for condonation of

delay sympathetically.

All pending miscellaneous applications are disposed of, in view of the aforesaid order.

21.08.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No