

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

CR No.7897 of 2016 (O&M)

Date of decision: 28.09.2017

Joginder Pal Jhanhi and another

... Petitioners

Vs.

Didar Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Arun Nehra, Advocate
for the petitioners.

Mr. Dhirinder Chopra, Advocate
for respondents No.1 & 2.

RAMESHWAR SINGH MALIK, J. (ORAL)

Learned counsel for respondents No.1 and 2, while placing reliance on a judgment of the Hon'ble Supreme Court in **Rishav Chand Jain and another Vs. Vinesh Chandra Jain, 2016 (2) RCR (Civil) 944**, contends that since the learned trial Court has rejected the plaint, while allowing the application of the defendants under Order 7 Rule 11 of the Code of Civil Procedure ('CPC' for short), this revision petition is not maintainable, as the impugned order is appealable under Section 96 CPC.

Faced with the above, learned counsel for the petitioners seeks permission of the Court to withdraw the present revision petition with liberty to the petitioners to challenge the impugned order by way of an appeal under Section 96 CPC.

Permission is granted.

Dismissed as withdrawn with liberty, as prayed for.

**[RAMESHWAR SINGH MALIK]
JUDGE**

28.09.2017

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No