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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ C.R.P. No.141/2017

ARYAN ARORA

..... Petitioner

Through: Mr. Randhir Jain and Mr. Dhananjai
Jain, Advs.

versus

VEENA ARORA & ORS

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **05.07.2017**

1. This Revision Petition under Section 115 of the Code of Civil Procedure, 1908 (CPC) impugns the order dated 18th May, 2017 of the learned Additional District Judge of rejection of plaint in a suit for declaration filed by the petitioner.
2. I have enquired from the counsel for the petitioner, whether not an order of rejection of a plaint is a decree and appealable under Section 96 of the CPC and if that be so, how is a Revision Petition under Section 115 of the CPC maintainable.
3. The counsel for the petitioner has argued that an order of rejection of a plaint is not appealable under Order XLI (Sic for Section 96) of the CPC.
4. Attention of the counsel for the petitioner has been drawn to Section 2(2) of the CPC defining 'decree' and which *inter alia* provides that "it shall be deemed to include the rejection of a plaint". In view thereof, the contention that such an order is not appealable under Section 96 of the CPC is totally erroneous.

5. The counsel for the petitioner has also argued that no decree has been prepared.
6. Even if that be so, once an order of rejection of a plaint has been statutorily deemed to be a decree, the non-preparation of the decree sheet is of no consequence.
7. This Revision Petition is not maintainable and is dismissed as such.
8. Needless to state that the petitioner shall be at liberty to take appropriate remedies.

Dasti under signature of Court Master.

RAJIV SAHAI ENDLAW, J

JULY 05, 2017

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