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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ C.R.P. 106/2017, CM No.17040/2017 & 17041/2017 (both for
condonation of 4 and 36 days delay in filing and re-filing the petition)
PRAHLAD SWAROOP AGGARWAL Petitioner

Through: Mr. Inderjeet Kumar Dubey, Adv.

Versus

DEEPA

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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05.07.2017

1. This Revision Petition under Section 115 of the CPC impugns the order dated 19th August, 2016 of the Civil Judge of rejection of plaint in a suit under Order XXXVII of the CPC filed by the petitioner/plaintiff.
2. The plaint has been rejected on the ground of the petitioner / plaintiff having not paid the requisite court fees within the time granted and also on the ground of the suit claim being barred by time.
3. Attention of the counsel for the petitioner has been drawn to Section 2(2) of the CPC constituting an order of rejection of plaint, a decree. Once the order is appealable as a decree, the revision petition under Section 115 CPC would not lie.
4. The counsel for the petitioner withdraws the petition with liberty to take appropriate remedies.
5. Dismissed as withdrawn with liberty aforesaid.

RAJIV SAHAI ENDLAW, J

JULY 05, 2017

‘gsr’..