

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.564 of 2018

Date of Decision: January 25, 2018

Mahender Singh

...Petitioner

Versus

Madhubala & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Varun Gupta, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

The present revision petition has been filed against the order rejecting the application under Order 7 Rule 11 CPC for rejection of the plaint on the ground that duplicate copy of the plaint had not been annexed by the plaintiff at the time of filing the suit and, therefore, in view of the provisions of sub-rule (e) of Rule 7 Order 11 CPC, the plaint was liable to be rejected.

For the purpose of deciding the application, it is the averments in the plaint which have to be seen. The aforementioned clause is not mandatorily required to be complied with, particularly when the respondents in pursuance to the notice accompanied by copy of the plaint had put in appearance and moved the application for rejection of the plaint. The application could not have been moved without going into the contents of the plaint. In my view, such an application is nothing but an attempt to delay the decision of the case.

For the reasons stated above, the impugned order does not call for any interference. Resultantly, revision petition stands dismissed.

January 25, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No