

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

CR No.6850 of 2016(O&M)
Date of Decision: 20.11.2018

Sudhir Bhatia

... Petitioner

Vs

Kuljiv Mahajan

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. A.S. Khinda, Advocate
for the petitioner.

Mr. J.S. Lalli, Advocate
for the respondent.

RAJ MOHAN SINGH, J. (ORAL)

[1]. At the very outset, learned counsel for the respondent pointed out that the order rejecting the prayer in terms of Order 7 Rule 11 CPC shall provide remedy of appeal to the plaintiff as the rejection of plaint is deemed to be a decree under section 2(2) CPC.

[2]. Learned counsel for the respondent relied upon **Rishabh Chand Jain and another Vs. Ginesh Chandra Jain, 2016(2) RCR (Civil) 944** and **Vineet Handa Vs. M/s OZO Media Estate Ltd., 2010 (14) RCR (Civil) 867** and submitted that order affecting the rights of the parties conclusively would be deemed to be a decree and is appealable in nature.

[3]. Faced with this situation, learned counsel for the petitioner wishes to withdraw the present revision petition with a liberty to file

appeal before the competent Court along with an application under Section 14 of the Limitation Act seeking condonation of delay on the premise that due to availing of wrong forum, the delay has occasioned.

[4]. In view of above, this revision petition is allowed to be withdrawn with liberty aforesaid. In case, an appeal is filed along with application for condonation of delay, the same shall be decided in accordance with law by adhering to the provision in terms of Section 14 of the Limitation Act as well.

20.11.2018

Prince

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No