

ANIL KUMAR SONI VS PARJEET SINGH & ORS

Present: Mr. Namit Gautam, Advocate,
for the review applicant-petitioner.

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Learned counsel for the applicant seeks to get the order dated 22.10.2018 reviewed on the premise that when the application filed by the defendant-petitioner under Order 7 Rule 11 CPC was filed before the trial Court, there was no amendment of paint granted in favour of the plaintiff. The application was dismissed and there is no legal error in the order dated 22.10.2018 passed by this Court. However, factum of amendment of plaint granted by the trial Court was not brought to the notice of this Court and after the aforesaid amendment, an application under Order 7 Rule 11 CPC was again filed by the petitioner, which was allowed by the trial Court and CR No. 1518 of 2016 is pending consideration in the High Court.

Since the present revision petition had arisen from an application under Order 7 Rule 11 CPC filed at a pre amendment stage of the suit, therefore there cannot be any error in the order dated 22.10.2018 and the said fact has also been admitted by learned counsel for the applicant. It is only the apprehension on the basis of which present review application

has been filed that the aforesaid order may not be read while deciding the pending CR No.1518 of 2016. The apprehension is unfounded. The present petition relates to pre amendment era and was decided on its own merits.

Accordingly, the present review application is dismissed.

22.11.2018

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**(RAJ MOHAN SINGH)
JUDGE**