

\$~33

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

+ C.R.P. 4/2018

INDU ROHATGI

..... Petitioner

Through: Mr. K.K. Rohatgi, Ms.Bhavna Arora,
Advocates

versus

PAWAN KUMAR JAIN & ORS

..... Respondents

Through: Mr. Rakesh Kumar, Advocate for
respondents no.1 and 2.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **16.05.2018**

CM Appln. 20332/2018

1. Issue notice. Learned counsel for respondents No.1 and 2 accepts notice.
2. The petitioner has challenged the order dated 23rd October, 2017 whereby his plaint has been rejected under Order 7 Rule 11 read with Order 2 Rule 2 of the Code of Civil Procedure.
3. On the last date of hearing i.e. 16th April, 2018, the respondent raised a preliminary objection to the maintainability of the petition on the ground that the order dated 23rd October, 2017 is a decree and can be challenged by an appeal.
4. In view of the objection taken by the respondents, the petitioner seeks permission to withdraw this revision petition with liberty to file an appeal.
5. The application is allowed and C.R.P. 4/2018 is dismissed as withdrawn with liberty to the petitioner to file the appeal.
6. It is clarified that this Court has today not examined the case of the

parties on merits. The parties are at liberty to urge their contentions before the Appellate Court.

7. The date 19th July, 2018 fixed in the matter stands cancelled.

8. Copy of this order be given *dasti* to counsels for the parties under signatures of the Court Master.

J.R. MIDHA, J.

MAY 16, 2018

dk