

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

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**CR No. 4467 of 2022
Date of decision : 17.10.2022**

Ravi Mohan Malhotra

.....Petitioner

Vs.

Balbir Singh Sandhu and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Ms. Isha Goyal, Advocate, for the petitioner

TRIBHUVAN DAHIYA, J. (Oral)

This revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 19.9.2022 (Annexure P-4), whereby the petitioner/defendant's application for rejection of plaint under Order VII Rule 11 CPC has been dismissed by recording that non-compliance of Section 80 CPC is not a ground on which the plaint can be rejected.

Learned counsel for the petitioner, by referring to Annexure P-2, the application filed under Order VII Rule 11 CPC, submits that the ground of not affixing proper Court fee by the plaintiffs has been taken but cannot be considered by the trial Court while dismissing the application.

Perusal of the order shows that the aforesaid ground was not considered by the trial Court. In these circumstances, without interfering with the impugned order, dated 19.9.2022, dismissing the application for rejection of the plaint, liberty is afforded to the petitioner/ defendant to move appropriate application with regard to improper valuation of the suit in question which will be considered by the trial Court on its own merits.

Disposed of.

**(TRIBHUVAN DAHIYA)
JUDGE**

17.10.2022

Ashwani