

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

121

2023:PHHC:094960
CR-1983-2021
Date of decision: 26.07.2023

SUNITA RANI

..Petitioner

Versus

SUNITA RANI AND ANR

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Aeshna Jain, Advocate
for the petitioner.

Mr. Sukhdev Singh, Advocate
for Mr. Vikram Singh, Advocate
for respondents.

ANIL KSHETARPAL, J(Oral)

1. The petitioner herein is defendant No.1 in a pending suit. Her application under Order VII Rule 11 of the Code of Civil Procedure, 1908, to reject the plaint has been dismissed by the trial Court. The correctness of the aforesaid order has been challenged by filing the present revision petition. The petitioner had sought the rejection of the plaint on the ground of maintainability as well as deficiency in the payment of Court fees by the plaintiff.

2. On a careful reading of the impugned order, it is evident that the issue of deficiency in payment of Court fee has not been examined by the trial Court.

3. After arguing for some time, the learned counsel representing the petitioner prays for permission to withdraw the present revision petition in order to file an application before the learned trial Court for deciding the issue of Court fee.

4. The learned counsel representing the respondents has no objection to the aforesaid prayer.

5. Ordered accordingly.
6. All the pending miscellaneous applications, if any, are also disposed of.

July 26th, 2023

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

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Yes/No

Whether reportable

:

Yes/No