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Date of decision : 06.05.2024

1.

Naveen Garg

Vs.

Dharam @ Dharambir

2.

Naveen Garg

Vs.

Jaswant (@Musta

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vishal Aggarwal, Advocate
for the petitioner.

None for the respondent.

ANIL KSHETARPAL, J. (Oral)

1. With the consent of the learned counsel for the petitioner, the two connected revision petitions shall stand disposed of with this common order.

2. The petitioners in both the revision petitions are defendants in a suit for damages on account of malicious prosecution. They filed two separate applications under Order VII Rule 11 of the Code of Civil Procedure to reject the plaint on the ground that the appeal against the judgment of acquittal is pending. The trial Court has dismissed the application.

4. Learned counsel representing the petitioner submits that against

the judgment of acquittal, criminal appeal is pending in which notice has been issued.

5. This Court has considered the submission of the learned counsel for the petitioner.

6. Order VII Rule 11 enables the Court to reject the plaint only on extremely limited grounds. The plaintiff is yet to be granted opportunity to prove his case. Mere pendency of the appeal against the judgment of acquittal of the plaintiff shall not be sufficient to reject the plaint.

7. Hence, no ground to interfere is made out.

8. The revision petitions are dismissed.

06.05.2024 neeraj		(ANIL KSHETARPAL)	
		JUDGE	
	Whether speaking/reasoned :	Yes	No
	Whether Reportable :	Yes	No