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

CR-5215-2022 (O&M)
Date of decision: 28.11.2024

Harvinder Kaur

...Petitioner

Versus

Sarabjit Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Karanjit Singh, Advocate for the petitioner.

Mr. Ankur Goyat, Advocate for
Mr. Ramesh Goyat, Advocate for respondent Nos.1 and 2.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 07.10.2022 passed by the Civil Judge (Junior Division), Sri Anandpur Sahib vide which an application filed under Order 7 Rule 11 of CPC has been allowed and the plaint has been rejected.

2. Learned counsel for the petitioner, at the outset, has very fairly submitted that against the impugned order, an appeal is maintainable as per the settled principle of law and as per law laid down by the Hon'ble Madras High Court in C.R.P (PD) No.3576 of 2001, titled as “K.S. Geetha Vs. Stanleybuck”, decided on 12.07.2002 and thus, he seeks permission of this Court to withdraw the present revision petition with liberty to the petitioner



to file the said appeal. It is further prayed that since the petitioner was pursuing the present remedy thus, in case the petitioner files an appeal within a period of one month from today, the First Appellate Court be directed not to dismiss the same solely on the ground of limitation.

3. Keeping in view the abovesaid facts and circumstances, the present revision petition is dismissed as withdrawn with liberty to the petitioner to file a statutory appeal in accordance with law. In case the said appeal is filed within a period of one month from today, then the same would not be dismissed solely on the ground of limitation.

4. This Court has not opined on the merits of the case and it would be open to both the parties to raise all the pleas in accordance with law on the merits of the case which would be considered independently.

5. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

28.11.2024

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No