



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-6799-2024

Date of decision : 22.11.2024

Rajinder Dhanoa alias Rajinder Pal Singh ... Petitioner

Versus

Bhupinder Kumar Sharma and another ... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Mandeep Singh Sachdev, Advocate for the petitioner.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the order dated 07.10.2024 (Annexure P-1 passed by the Civil Judge (Jr.Div.), Chandigarh, vide which the application filed by the petitioner under Order 7 Rule 11 CPC for rejection of plaint has been dismissed.
2. Learned counsel for the petitioner has submitted that one of the arguments raised in the written arguments was that the suit was not maintainable in view of the provision of Section 41(H) of the Specific Relief Act, however, the trial Court had not considered the said objection in view of the fact that in the original application (Annexure P-4), the said objection had not specifically been raised and thus, learned counsel for the petitioner has prayed that he be permitted to withdraw the present petition with liberty to file a second application under order 7 Rule 11 CPC after taking up the said objection.
3. In view of the statement made by learned counsel for the petitioner, the present petition is dismissed as withdrawn with the aforesaid liberty.
4. In case, any such application is filed, the same would be considered independently, in accordance with law.

(VIKAS BAHL)
JUDGE

November 22, 2024
Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No