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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ C.R.P. 118/2023 & CM APPL. 5507/2025

SANTOSH KUMARI (NOW DECEASED)

THROUGH LRS

.....Petitioner

Through: Mr. Lokesh Nath Jha, Mr. Kashish,  
Ms. Aditi Chopra, Mr. Davenderpal,  
Advocates.

versus

LOKESH YADAV & ANR.

.....Respondents

Through: Mr. Ankit Rana and Mr. Jatin Dhull  
Advocates for R-1.

**CORAM:**

**HON'BLE MR. JUSTICE ANISH DAYAL**

**ORDER**

**15.01.2026**

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1. An issue of maintainability of this Revision Petition came up during the arguments, considering that it is challenging the impugned order which allowed application under Order VII Rule 11 of Code of Civil Procedure, 1908 ('**CPC**') filed by defendants, thereby rejecting the suit, as he same will be hit by proviso to Section 115(1) of CPC.
2. *Mr. Lokesh Nath Jha*, counsel for petitioner states that on an objection being taken by the Registry, as to how a Regular First Appeal ('**RFA**') was maintainable, the said Revision Petition came to be filed.
3. On a requisition by the Court, the Registry has now confirmed that Revision Petition is not maintainable, instead an RFA would be



maintainable and there has been some mistake by Registry in this regard.

4. Accordingly, petitioner is advised to take steps in accordance with the same. Court fee filed for this Revision Petition, may be used as part of the court fee for filing the RFA. Time expended in this Revision Petition, which was filed in 2023 and has subsisted on the board of this Court may be considered in calculating the limitation for filing the RFA.

4. Counsel for petitioner seeks leave to withdraw the present petition with liberty to file RFA or take other steps in accordance with law. Petition is dismissed as withdrawn, liberty granted.

5. Order be uploaded on the website of this Court.

**ANISH DAYAL, J**

**JANUARY 15, 2026/MK/sp**