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Order

03-08-2019 -

The plaintiff filed haziri. The case was put up for order. Perused the case record from perusal of the case record it appears that the Title Suit no. 18/17 was dismissed due to none filing of the required court fee by the plaintiff. The suit was dismissed under order 7 Rule 11 of the C.P.C as provided under section 7 Rule 13 hereunder. "The rejection of the plaint on any of the grounds hereinbefore mentioned shall not of its own force preclude the plaintiff from presenting a fresh plaint in respect of the same cause of action." The remedy after rejection of the plaint under Order 7 Rule 11 for restoration of the case which was availed by the plaintiff is completaly timebarred as provided under limitation Act. So there is no merit in this miscellaneous case without condonation of the delay.

Though this miscellaneouns case has been rejected still
under section 7 Rule 13, ^{C.P.C, still} the plaintiff has liberty to file fresh suit
arising out of the same cause of action.

S. J. R.