

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Revision Petition No. 264/2025

1. Mahendra Kumar Parakh S/o Shri Heera Chand Parakh, Aged About 78 Years, A 92 Vijay Singh Pathik Nagar Bhilwara Rajasthan
2. Animesh Parakh S/o Shri Mahendra Kumar Parakh, Aged About 46 Years, A 92 Vijay Singh Pathik Nagar Bhilwara Rajasthan
3. Mahendra Kumar Parakh, Aged About 78 Years, Secretary New Look Education Society Resident Of A 92 Vijay Singh Pathik Nagar Bhilwara Rajasthan

-----Petitioners

Versus

1. New Look School Society, Banswara, Having Registration Number 336/1979-80, Registered Office At Kothari Haveli Banswara Present Office At New Look School Society Banswara Lodha Campus Village Post Lodha Tehsil And District Banswara Through Joint Secretary Deep Kothari S/o Shri Pradeep Kothari Resident Of Kothari Haveli Banswara Raj.
2. Deep Kothari S/o Shri Pradeep Kothari, Kothari Haveli Banswara Raj. Presently Posted As Additional Secretary New Look School Society Banswara Having Registration Number 336/1979-80, Registered Office At Kothari Haveli Banswara Raj. Present Office At New Look School Society Banswara Lodha Campus Village Post Lodha Tehsil And District Banswara
3. Bhilwara Urban Cooperative Bank, Branch Nagauri Garden Bhilwara Through Manager Bhilwara Urban Cooperative Bank Branch Nagauri Garden Bhilwara Rajasthan
4. Central Board Of Secondary Education, 02 Community Center Preet Vihar Delhi
5. District Education Officer, Secondary Education Pratap Nagar School Bhilwara Rajasthan
6. Trilok Bhiraniya, Bhilwara Cricket Academy New Look Central School New Iras Kota Road Bhilwara Rajasthan
7. Ajmer Vidhyut Vitamin Nigam Limited (Avvnl), Through Executive Engineer Ajmer Vidhyut Vitamin Nigam Limited In Front Of Krishi Upaj Mandi Bhilwara Rajasthan

8. Ajmer Vidhyut Vitamin Nigam Limited (Avvnl), Through
Assistant Engineer Rural 1 Pansal Chauraha Pur Road
Bhilwara Rajasthan

-----Respondents

For Petitioner(s) : Mr. Sanjay Nahar
For Respondent(s) : Ms. Aditi Moad

HON'BLE MR. JUSTICE FARJAND ALI

Order

07/05/2026

1. The present civil revision petition has been filed by the petitioners-defendants assailing the order dated 26.11.2025 passed by the learned District Judge, Bhilwara, whereby the application preferred by the petitioners under Order VII Rule 11 CPC seeking rejection of the plaint came to be rejected.
2. The matter comes up on an application moved on behalf of the respondents No.1 and 2-original plaintiffs seeking permission to withdraw the original suit with liberty to institute a fresh suit and further seeking refund of the court fees deposited before the learned trial Court.
3. Learned counsel appearing for the respondents No.1 and 2 submits that the suit as framed suffers from incurable defects and the cause title is not in accordance with law. It is submitted that the defects are bona fide in nature and, therefore, the respondents-plaintiffs may be permitted to withdraw the suit with liberty to institute a fresh suit in accordance with law. A further prayer has been made for refund of the court fees amounting to Rs.1,77,395/- deposited before the learned trial Court.

4. Learned counsel for the petitioners has opposed the application while reserving all legal objections and rights available to the petitioners and without conceding the prayers made in the application.

5. Having considered the submissions advanced and upon perusal of the material available on record, this Court finds that the respondents-plaintiffs themselves seek withdrawal of the suit on the ground that the suit suffers from incurable defects. In the opinion of this Court, no useful purpose would be served in compelling the parties to proceed with a suit which, according to the plaintiffs themselves, is defective in nature.

6. This Court is also of the view that no person should ordinarily be left non-suited and remediless merely on account of technical or procedural defects, particularly when liberty to institute a fresh suit can appropriately balance the rights of both sides.

7. Accordingly, the application is allowed. As a consequence thereof, nothing further survives for adjudication in the present revision petition. Therefore, without touching the merits of the revision petition or the rival contentions of the parties, the present revision petition stands disposed of with permission to the respondents-plaintiffs to move an appropriate application before the learned trial Court seeking withdrawal of the suit as well as refund of the court fees.

8. In the event such application is moved before the learned trial Court, the respondents-plaintiffs shall be permitted to

withdraw the suit and the court fees deposited by them shall be refunded in accordance with law.

9. Liberty is also granted to the respondents-plaintiffs to institute a fresh suit, if permissible in law.

10. All contentions and legal objections of the parties are kept open.

(FARJAND ALI),J

11-Pramod/-