

**IN THE HIGH COURT OF UTTARAKHAND**  
**AT NAINITAL**

**THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA**

**28<sup>th</sup> APRIL, 2023**

**CIVIL REVISION NO.79 OF 2021**

Between:

Gajendra Badola

.....Revisionist

and

Shubh Badola and Others

.....Respondents

Counsel for the Revisionist : Mr. Ramji Srivastava,  
Advocate.

Counsel for the Respondent  
Nos.1 and 2 : Mr. Piyush Garg, Advocate.

**Hon'ble Alok Kumar Verma, J.**

Revisionist – defendant no.2 along with respondent no.3 - defendant no.1 had moved an application under Order 7 Rule 11(b) of the Code of Civil Procedure, 1908 in Original Suit No.851 of 2020, "Shubh Badola and Another vs. Dinesh Kumar Badola and Others". The said application has been rejected vide order dated 10.09.2021, passed by learned Vth Additional Civil Judge (Senior Division) Dehradun. Hence, present Revision.

**2.** Heard Mr. Ramji Srivastava, learned counsel for the revisionist and Mr. Piyush Garg, learned counsel for the respondents - plaintiffs.

**3.** Mr. Piyush Garg, learned counsel for the respondent no.1 and respondent no.2 – plaintiffs, submitted that Trial Court has framed issue nos.5 and 6 regarding valuation of the suit and court fee, and, to decide the issue nos.5 and 6 as preliminary issue, the date is being fixed by the Trial Court.

**4.** Learned counsel for both the parties have requested to decide the present matter by directing the Trial Court to decide the issue nos.5 and 6 expeditiously.

**5.** With the consent of learned counsel for the parties, present Revision is disposed of by directing the Trial Court to decide the issued nos.5 and 6 expeditiously and without being influenced by the said order dated 10.09.2021.

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**ALOK KUMAR VERMA, J.**

Dated : 28<sup>th</sup> April, 2023

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