

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

Date of decision:15.01.2015

Babu Singh and others

.....Petitioners

v.

Jarnail Singh and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.RVS Chugh,Advocate for the petitioners

Jaswant Singh,J.(Oral)

Defendants 1 to 4, 6,8 and 9 are in revision aggrieved by the order dated 4.11.2014 (P-8) passed by learned Additional Civil Judge (Senior Division) Mansa whereby their application under Section 11 and 12 CPC for dismissing the suit on the basis of principle of res judicata has been dismissed.

Having heard learned counsel for the petitioners it is apparent that they have yet to file their written statement and also place on record copies of the plaint, written statement and issues of the earlier suit upon which the principle of res judicata is being invoked in the present suit. It is suggested that certified copies of the judgments and decrees passed in previous suit were placed on record, however, in the facts of the present case, it is felt that petitioners/defendants would be at liberty to get an issue framed in this regard and get it decided as a preliminary issue.

In view of the above, present revision petition is dismissed.

However, the petitioners after placing the entire material on record and framing of the issues would be free to get the same decided as preliminary issue.

15.01.2015
joshi

(Jaswant Singh)
Judge