

221-A

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

**Civil Revision No.1553 of 2014
Date of decision : July 31, 2015.**

Pawan Kumar

... Petitioner

VERSUS

Smt. Baldevi Devi & Ors.

... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. M.S. Kathuria, Advocate
for the petitioner.

Ms. Sunita Nambiar, Advocate
for the respondents.

1. **Whether Reporters of local papers may be allowed to see the judgement ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgement should be reported in the Digest ?**

M.M.S. BEDI, J.(Oral)

This is defendant's revision petition against order dated 04.12.2013 dismissing an application under Order 7 Rule 11 CPC for dismissal of the suit of plaintiffs-respondents for possession of shop in occupation of the defendant-petitioner. As per the averments in the application of the tenant-petitioner, a similar suit was withdrawn vide order dated 20.02.2010 without seeking any permission to file fresh suit. The application has been dismissed on the ground that second suit is not barred on the ground of non-payment of rent. Learned counsel for the petitioner has submitted that in view of the earlier suit

having been withdrawn, the law does not permit the filing of second suit on the same cause of action.

I have considered the contentions of the learned counsel for the petitioner and am of the opinion that maintainability of the second suit will be a question of law and has to be determined on the basis of the material produced before the Court.

In view of said circumstances, the petition is dismissed without prejudice to the rights of the petitioner to raise the same plea without seeking the dismissal of the suit. Nothing said in the order would prejudice the rights for the petitioner to raise legal objections under Order 2 Rule 2 CPC as well as under Order 23 Rule 1(4) CPC or Section 11 CPC, during the course of case.

No ground is made out for interference in the impugned order.

Dismissed.

July 31, 2015
Ramandeep Singh

(M.M.S. BEDI)
JUDGE