

210.

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

Civil Revision No.3820 of 2015 (O&M)

Date of decision: 24.12.2015

Ashoni Kumar Sabharwal

... Petitioner

versus

Ravinder Kumar Magoo

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Ms. Puja Chopra, Advocate,
for the petitioner.

Mr. Sunil Chadha, Senior Advocate,
with Mr. Chetan Bansal, Advocate,
for the respondent.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ?No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. The matter would not require any elaborate consideration in view of the understanding by the respective counsel that the issue of maintainability of the suit in the face of an award alleged to have been obtained in relation to the subject matter and as pleaded by the defendant to be considered by the trial court itself as a preliminary issue. I reckon that additional issues may become necessary in the light of certain subsequent event pleaded by this

court, namely, of passing of an award in respect of very same subject matter. If any pleading is brought in that regard by means of an additional written statement under Order 8 Rule 9 CPC, the court may frame an additional issue regarding the maintainability of the suit and take up as a preliminary issue for consideration.

2. With this liberty the order already passed is modified and the revision is disposed of.

(K.KANNAN)
JUDGE

24.12.2015
sanjeev