

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

**Civil Revision No.4124 of 2015 (O&M)
Date of Decision: August 13, 2015**

Charanjit Singh

.... Petitioner

vs.

Neelam Devi

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. V.K. Sandhir, Advocate for the petitioner.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Challenged in the present revision petition is the order dated 21.04.2015 (Annexure P-5) passed by learned Civil Judge (Jr. Divn.), Patiala, whereby the application of the present petitioner under Order VII, Rule 11 read with Section 151 CPC was dismissed.

The plaintiff-respondent had filed a suit seeking separate possession by way of partition of the land. The plea of the petitioner-defendant was that earlier a suit was filed, which was withdrawn by plaintiff-respondent and another matter regarding suit land went up before the Hon'ble High Court, where RSA filed by plaintiff-respondent was dismissed as withdrawn. Therefore, it is stated that the suit is not maintainable.

It is claimed that third suit was filed, which was also dismissed.

I am of the view that such pleas can be raised in the written statement and issues have to be framed and tried by the court. However, this is no ground to reject the plaint on the ground that it is barred by *res judicata*.

Therefore, there is no ground to interfere in the impugned order.

Accordingly, the present revision petition is dismissed.

August 13, 2015
sarita

(KULDIP SINGH)
JUDGE