

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 8715 of 2015 (O/M)
Date of decision : 21.12.2015

Sukdev Singh and others

..... Revisionists

Versus

Sikandar Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. G.S. Punia, Senior Advocate, with,
Ms. Harveen Kaur, Advocate, for the revisionists.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Learned senior counsel for the revisionists contends that the application filed by the defendants (revisionists herein) under Order 7 Rule 11 read with Section 151 of Code of Civil Procedure, 1908, (in short 'CPC'), for rejection of the plaint, has been dismissed/disposed of by the learned Civil Judge (Junior Division), Ludhiana, vide order dated 10.9.2015. He has further contended that the suit is barred under Section 11 CPC and also barred under Section 158 of the Land Revenue Act, 1887, as the partition has taken place and has been executed.

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The perusal of the plaint shows that for rejection of the suit being barred under Section 11 CPC, the Court is to go through the previous plaint and judgment and for application of Section 158 of the Land Revenue Act, 1887 also, copies of partition orders and documents are required to be examined, without any oral evidence.

In these circumstances, the present revision is disposed of with liberty to the revisionists to take such plea in the written statement. The lower Court may, in these circumstances, decide the plea of *res judicata* and bar under Section 158 of Land Revenue Act, 1887, after allowing both the parties to lead the documentary evidence.

(KULDIP SINGH)
JUDGE

21.12.2015
sjks