

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

CR No.1985 of 2016 (O&M)

Date of decision:17.3.2016

Subhash

....Petitioner

VERSUS

Suresho and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Chirag Wadhwa, Advocate for the petitioner.

REKHA MITTAL, J.(Oral)

Counsel for the petitioner would submit that the petition may be disposed of with a direction to the trial Court to decide the question of res-judicata and proceedings being liable to be stayed under Section 10 of the Code of Civil Procedure, 1908 (in short 'CPC') after completion of pleadings of the parties by framing preliminary issues in this regard.

In view of the above, without expressing any opinion on merits of the controversy, the petition stands disposed of with a direction to the trial Court that on completion of pleadings of the parties, the Court would frame preliminary issues in regard to the suit being barred by res-judicata or the same being liable to be stayed under Section 10 CPC, (in case such an objection is raised in the written statement) and would decide the preliminary issues after permitting the parties to produce documentary evidence but without being prejudiced by the impugned order. However, the trial Court shall put its best endeavour to dispose of the preliminary issues expeditiously.

MARCH 17, 2016
'D. Gulati'

(REKHA MITTAL)
JUDGE