

In the High Court of Punjab and Haryana at Chandigarh

PARAMJIT KAUR SAINI
2016.03.30 13:49
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Civil Revision No. 4304 of 2015
Date of Decision: 22.3.2016

Amir Chand

---Petitioner

versus

Kamal Aggarwal

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. A.S.Gill, Advocate
for the petitioner

1. Whether Reporters of local papers 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?

Rekha Mittal, J.

The present petition lays challenge to the order dated 11.3.2015 passed by the Civil Judge (Junior Division), Jalandhar whereby the plaint has been ordered to be rejected though the court has also made certain observations with regard to suit being barred by principle of res judicata qua damages for causing mental agony to him and his family members and barred under Order II Rule 2 of the Code of Civil Procedure (in short “CPC”) qua damages for treatment of the plaintiff and his family members due to deterioration of their health. As the trial court has rejected the plaint envisaged under Order VII Rule 11 CPC only, the appropriate remedy available to the petitioner is to file an appeal before the District Judge,

Jalandhar.

With these observations, the petition stands disposed of with liberty to the petitioner to file an appeal before the competent court. In case such an appeal is filed by legal representatives of the petitioner (since deceased), the appellate court would take a sympathetic view in regard to condonation of delay by taking into consideration the period, the proceedings remained pending before this Court.

(Rekha Mittal)
Judge

22.3.2016

PARAMJIT