

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

CR No.4711 of 2016

Date of decision :08.08.2016

Harjit Singh and others

.....Petitioners

Versus

Vinod Kumar and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Anurag Jain, Advocate
for the petitioners.

DARSHAN SINGH, J. (Oral)

Learned counsel for the petitioners states that while deciding the application under Order 7 Rule 11 of the Code of Civil Procedure, 1908 (for short 'CPC') the learned trial Court has illegally given the findings that the *res judicata* was not attracted. He contended that this finding was totally unwarranted at the stage of deciding the application under Order 7 Rule 11 CPC.

2. Learned counsel for the petitioners states that the present revision petition may be dismissed as withdrawn with liberty to the petitioners to raise all the pleas before the learned trial Court at the appropriate stage without causing any prejudice to the rights of the petitioner on the basis of the

impugned order.

3. Dismissed as withdrawn.

4. The petitioners shall be at liberty to raise all the pleas available to them before the learned trial Court at the appropriate stage. The learned trial Court will adjudicate the issues independently without being influenced with the observations in the impugned order.

08.08.2016

S.khan

(DARSHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No