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

CR-5422-2016

Date of decision : 24.08.2016

Anujeet Kaur

... Petitioner

Versus

Kamaldeep Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Harjot Singh Bedi, Advocate
for the petitioner.

1. Whether reporters of local papers 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?

AMIT RAWAL, J. (ORAL)

The petitioner-defendant No.3 is aggrieved of the impugned order dated 27.07.2016, whereby the application under Order 14 Rule 2 CPC for treating the Issue Nos.7-A and 7-B as preliminary, has been dismissed.

Mr. Harjot Singh Bedi, learned counsel appearing on behalf of the petitioner-defendant No.3 submits that the suit at the instance of Kamaldeep Singh claiming 1/4th share qua the estate of Iqbal Singh, defendant No.4 had filed a counter claim against co-defendants claiming 1/4th share. In fact, he colluded with the plaintiff. An application was moved for framing the issue with regard to the counter-claim and the same was declined and ultimately this Court framed the Issue Nos.7-A and 7-B in this regard (Annexure P-11). Since, the maintainability of the counter-claim

against the co-defendants is a pure question of law, the Court did not give any reason while rejecting application. On going through the impugned orders, neither there is an adjudication what to talk of reasoning, thus, urges this Court setting aside the order under challenge.

I have heard the learned counsel for the petitioner-defendant No.3 and appraised the paper and gone through impugned orders. I am in agreement with the submissions of Mr. H.S. Bedi as there is no adjudication of the application and it appears that the Court below has remained oblivious of the contents of application and disposed of the application without assigning any reasons.

For the foregoing reasons, the impugned order under challenge is hereby set aside and the application under Order 14 Rule 2 CPC is restored back with a direction to the Court below to decide the same afresh via-a-viz the claim made in the plaint i.e. treating the issue Nos. 7-A and 7-B as preliminary issue.

With the aforesaid observations, the revision petition stands allowed.

24.08.2016
yogesh

(AMIT RAWAL)
JUDGE

	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No