

Civil Revision No.6183 of 2015
Date of Decision:21.4.2016

M/s Him Stores and another

---Petitioners

vs.

M/s Martin & Harries Private Limited

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr.Aman Kashyap, Advocate
for the petitioners

Mr. H.L.Tikku, Senior Advocate
with Ms. Yashmeet and Mr. Manav Bajaj, Advocates
for the respondent

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.

Counsel for the petitioners states that the petition may be disposed of without prejudice to the rights of the petitioners to raise all available pleas in the written statement and press for framing of preliminary issues in regard to the suit being barred by principle of res judicata as well as under Order II Rule 2 of the Code of Civil Procedure (for short “CPC”) but the plea in defence to be raised by the petitioners should be decided by the court below without being prejudiced by any observations made in the impugned order. Counsel for the petitioners further states that the

petitioners may be permitted to file the written statement within a period of one month from today.

Counsel for the respondent has got no objection if the petition is disposed of in terms of the statement made by counsel for the petitioners and liberty is granted to the petitioners to file the written statement as prayed for.

In view of the above, the petition stands disposed of. The petitioners shall be at liberty to raise all available pleas by way of defence and in case an issue with regard to res judicata or the suit being barred under Order II Rule 2 CPC or any other legal objections is raised in view of pleadings of the parties, the same shall be decided by the trial court in accordance with law, without being influenced by any observations made in the impugned order.

Parties are directed to appear before the trial court on 23.5.2016.

(Rekha Mittal)
Judge

21.4.2016
PARAMJIT