

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

CR No.6625 of 2014 (O&M)

Date of decision: 05.10.2016

Ami Chand @ Meena and others

....Petitioners

Versus

Makhan Singh and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Namit Gautam, Advocate for the petitioners.

Mr. Gurcharan Dass, Advocate for respondent No.1.

REKHA MITTAL J. (Oral)

The present petition has been directed against order dated 01.09.2014 passed by the Civil Judge (Jr. Division), Ludhiana whereby application filed by the petitioners under Section 11 of the Code of Civil Procedure (in short 'CPC') for dismissal of the suit being barred by principle of *res judicata* has been dismissed.

Counsel for the parties are ad idem that the petition may be disposed of with a direction to the trial Court to frame an issue qua the question of *res judicata*, if not already framed.

In view of the above, the petition stands disposed of. The trial Court is directed to frame an issue '***Whether the suit filed by the respondents/plaintiffs is barred by principle of res judicata***', if such an issue has already not been framed.

**(REKHA MITTAL)
JUDGE**

05.10.2016

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No