

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.8128 of 2016 (O&M)
Date of Decision: December 15, 2016

Amarjit Singh & others

...Petitioners

Versus

M/s Ganpati & Company & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Dinesh Ghai, Advocate,
for the petitioner.

Mr.Kirpal Singh Thakur, Advocate,
for respondent No.1.

AMIT RAWAL, J. (Oral)

Civil Misc.No.25589-CII of 2016

Prayer in the application is for placing on record the order
dated 4.10.2016.

Allowed subject to just exceptions.

Civil Revision No.8128 of 2016

Mr.Dinesh Ghai, learned counsel for the petitioner submits that the present revision petition is arising out of the dismissal of the application filed under Order 1 Rule 10 CPC in a pending suit. However, during the Interregnum, an application moved under Order 7 Rule 11 CPC at the instance of the respondent-defendants has been decided vide order dated 4.10.2016. Since the aforementioned order rejecting the plaint is a decree in terms of the provisions of Section 2 CPC, the appeal of 2016 is pending adjudication.

In view of the aforementioned fact, no cause of action survives in the present revision petition in view of the order dated 4.10.2016, which is already subject to assailment in the pending appeal.

The present revision petition is disposed of as infructuous.

December 15, 2016
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No