

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

CR No.1084 of 2017 (O&M)

Date of decision: March 06, 2017

Dharam Pal

...Petitioner

Versus

Ruma Devi and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Deepak Aggarwal, Advocate
for the petitioner.

Ms. Mansi Bansal, Advocate
for respondent No.1.

JASPAL SINGH, J.(ORAL)

A perusal of the memo of parties reveals that respondents No.2 and 3 are only performa respondents. As such, no notice is required to be given to them. Accordingly, service upon respondents No.2 and 3 stands dispensed with.

By virtue of the instant revision petition preferred under Article 227 of Constitution of India, petitioner has sought setting aside of the order dated 13th January, 2017 passed by learned Civil Judge (Junior Division) whereby an application moved under Order VII, Rule 11 CPC has been rejected/dismissed.

A glance at the impugned order dated 13th January, 2017 transpires that application moved under Order VII, Rule 11 CPC has been dismissed primarily on the grounds that an appeal was decided on 24th August, 2012 in which the question of Will has been left open and further that the suit is within a period of limitation.

Without commenting much upon the impugned order, the same is *set aside* and any observation made in the impugned order dated 13th January, 2017 shall have no bearing on the main suit which is required to be disposed of in accordance with law. Thus, the question with regard to Will as well as limitation and maintainability of suit in addition to any other issue arising out of the pleadings of parties, shall be decided in the suit on merits that too, without being influenced by any observation made in the impugned order.

Disposed of.

March 06, 2017
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No