

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.2074 of 2013 (O&M)
Date of Order: 09.10.2017

Lala Sher Singh Memorial Jiwan Vigyan Trust

..Petitioner

Versus

Dharam and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Namitha Mathews, Advocate, and
Ms. Poorva Pani, Advocate, for
Mr. Sourabh Goel, Advocate
for the petitioner.

ANIL KSHETARPAL, J (Oral)

Defendant no.3-petitioner had claimed that proper court fee has not been affixed and the issue has already been decided in the previous litigation. It was further pleaded that the suit is barred under Order 2 Rule 2 of the Code of Civil Procedure.

Learned trial Court after appreciating the facts available on the file, dismissed the application. The Court considered that while deciding the application under Order 7 Rule 11 CPC, only the assertion made in the plaint are to be examined and most of the objections taken in the application under Order 7 Rule 11 CPC can be adjudicated upon after allowing the parties to lead evidence.

Learned counsel for the petitioner could not point out any error in affixing the court fee by the plaintiff. The issue of suit being

barred by resjudicata as also under Order 2 Rule 2 of the Code of Civil Procedure suit can only be adjudicated upon once the parties are permitted to lead evidence.

In view of what has been stated hereinabove, this Court does not find any good ground to interfere with the impugned order passed by the learned trial Court. The revision petition is dismissed.

October 09, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No