

**In the High Court of Punjab and Haryana at Chandigarh**

**Civil Revision No. 5099 of 2017 (O&M)**

**Date of Decision: 12.12.2017**

Kuldip Singh

.....Petitioner

Versus

Neelam Wadhwa and others

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY**

Present: Mr. Prateek Pandit, Advocate  
for the petitioner.

Mr. Vikram Anand, Advocate  
for respondents No. 1 and 2.

None for respondents No. 3 and 4.

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**ANITA CHAUDHRY, J**

This revision is directed against the order dated 17.7.2017 (Annexure P-6) vide which the application filed by the petitioner/plaintiff under Order 11 Rule 14 and 15 CPC has been dismissed.

Counsel for the petitioner at the outset states that the trial Court instead of deciding the application filed under Order 11 Rule 14 and 15 CPC passed an order as if it was deciding the application under Order 39 Rule 1 and 2 CPC. The counsel refers to the application filed by them under Order 11 Rule 14 and 15 CPC.

I have heard the submissions of both the sides.

The zimni orders have been made available. A perusal of the zimni orders shows that the trial Court had adjourned the case for arguments on the application filed under Order 11 Rule 14 and 15 CPC and the case

had been adjourned on 10.7.2017 and then to 17.7.2017 but a perusal of the

Gurpreet Singh Bhatia  
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order shows that the lower Court has passed an order as if it was dealing with the application filed under Order 39 Rule 1 and 2 CPC. The order has to be set aside.

The petition is allowed. Order dated 17.7.2017 (Annexure P-6) is set aside. The matter is remanded back with the direction to the trial Court to pass a fresh order after hearing both the sides.

**(ANITA CHAUDHRY)**  
**JUDGE**

**December 12, 2017**  
Gurpreet

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|----------------------------------|----------|------------|
| <b>Whether speaking/reasoned</b> | <b>:</b> | <b>Yes</b> |
| <b>Whether reportable</b>        | <b>:</b> | <b>No</b>  |