

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.6108 of 2015 (O&M)

Date of decision: 03.04.2017

Sarbati Devi

... Petitioner

Vs.

Kumari Gunjan (minor) and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Deepender Singh, Advocate
for the petitioner.

Mr. Mukesh Kumar Verma, Advocate
for respondents No.1 & 2.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the order dated 03.08.2015 passed by the learned trial Court, whereby application moved by the petitioner under Order 7 Rule 11 of the Code of Civil Procedure was dismissed, petitioner-defendant No.2 has approached this Court by way of present revision petition under Article 227 of the Constitution of India.

Notice of motion was issued.

Heard learned counsel for the parties.

After arguing the case at some length and failing to convince this Court on merits, learned counsel for the petitioner submits that he may be permitted to withdraw the present revision petition, however, the learned trial Court may be directed to treat the issue of maintainability of the suit as a

preliminary issue and decide the same, in accordance with law.

Faced with the above, learned counsel for respondents No.1 and 2 also fairly states that he has got no objection to the proposal put forth by learned counsel for the petitioner.

In view of the above, present revision petition is disposed of, upholding the impugned order dated 03.08.2015 passed by the learned trial Court, however, with a direction to the learned trial Court to treat the issue of maintainability of the suit as a preliminary issue and decide the same, in accordance with law.

With the abovesaid observations made and directions issued, present revision petition stands disposed of, however, with no order as to costs.

03.04.2017
vishnu

[RAMESHWAR SINGH MALIK]
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No