

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

C.R. No. 7562 of 2016 (O&M)

Date of Decision: February 08, 2017.

Ranbir and others

....Petitioners

Versus

Amit Kumar

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. B.R.Gupta, Advocate, for the petitioners.

Rajan Gupta, J (Oral)

Present revision is directed against the order passed by Additional Civil Judge (Sr.Div), Loharu whereby application moved by the defendant-petitioner under Order 7, Rule 11 CPC has been rejected. Learned counsel for the petitioners vehemently contended that trial court erred in entertaining the recovery suit with regard to earnest money filed by the plaintiff. Same was not maintainable. Thus, plaint deserves to be rejected at the outset.

Admittedly, the issue regarding maintainability of the suit has also been framed by the trial court. Needless to observe that trial court shall be at liberty to examine the plea of the petitioners during proceedings. However, I do not find any infirmity with the orders. There is no ground to interfere. Petition is dismissed. However, trial court shall endeavour to expedite the proceedings.

**(Rajan Gupta)
Judge**

February 08, 2017.

BB

Whether speaking/reasoned Yes/No

Whether reportable: Yes/No