

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

CR No. 7751 of 2017

Date of Decision: 09.11.2017

PARDEEP KUMAR MEHTA

-PETITIONER

VS

KAMLESH CHANDER MAHAJAN AND ANR

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Aman Dhir, Legal Aid Counsel,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

[1]. Petitioner has assailed the order dated 09.08.2017 passed by the trial Court vide which the application under Order 7 Rule 11 CPC was declined.

[2]. Petitioner seeks to invoke the provisions of Order 7 Rule 11 CPC on the ground that the appeal against the order dated 24.02.2016 passed by District Consumer Forum, Ropar is pending before the State Commission and the plaintiffs have concealed material facts in the plaint in respect of past litigation.

[3]. During course of arguments, learned counsel for the petitioner fairly admits that appeal before the State Commission has been dismissed on 12.05.2017 and revision is pending before the National Commission.

[4]. The grounds on which the provisions of Order 7 Rule

11 CPC are sought to be invoked are not attracted as per requirement of the provisions. The past litigation would be subject matter of proving the pleadings of the case at the relevant stage.

[5]. At the stage of invoking the provisions of Order 7 Rule 11 CPC, only averments made in the plaint are to be seen and the defence (if any) available to the defendant cannot be appreciated at this stage.

[6]. Finding no merit in this revision petition, the same is accordingly dismissed.

09.11.2017
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No