

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

**RA No.44-CII-2017 (O&M) IN
C.R. No.2370 of 2016
Date of decision :30.03.2017**

Karan Sood

... Petitioner

Versus

M/s Key Pee Industries and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Pankaj Jain, Advocate for
Mr. Hittan Nehra, Advocate
for the applicant-petitioner.

AMIT RAWAL, J. (ORAL)

C.M. No.7201-CII of 2016

Learned senior counsel appearing for the applicant-petitioner submits that against the order of dismissal of the revision petition, the applicant-petitioner had preferred an SLP before the Hon'ble Supreme Court which was dismissed and thereafter had availed the remedy of suit and did not envision that the defendant in the newly instituted suit would come up with the plea of provisions of Order 7 Rule 11 CPC. It is in this backdrop of the matter, delay of 357 days occurred in filing the review application.

I am of the view that the explanation given above is fair and just. Resultantly, the delay of 357 days in filing the review application is condoned.

Application is allowed.

C.M. No.7202-CII of 2017

Application is allowed.

Exemption from filing certified copies of Annexures P-1 to P-6 is granted and the same are taken on record.

R.A. No.44-CII of 2017

The prayer in the application is for modification of the order dated 01.04.2016 on the premise that the suit for specific performance on behalf of the applicant-petitioner before the trial Court under Order 22 Rule 10 CPC has been filed and objection has been taken on behalf of the defendant-respondent by taking the aid of provisions of Order 7 Rule 11 CPC. The basis of the application moved under Order 7 Rule 11 CPC is on account of observations given by this Court with regard to provisions of Section 19(2)(g) of the Partnership Act, 1932. In my view, such an application moved shall be decided by the trial Court uninfluenced with the findings rendered by this Court.

The review application is disposed of with the above observations.

(AMIT RAWAL)
JUDGE

March 30, 2017
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No