

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

CR No.1848 of 2017 (O&M)
Date of decision : 09.02.2018

Babu Ram @ Kitab Singh and another

...Petitioners

Versus

Ajab Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Som Nath Saini, Advocate for the petitioners.

Mr. S.K.S. Bedi, Advocate for respondent No.1.

ANIL KSHETARPAL, J. (ORAL)

CM No.26929-CII of 2017

Application is allowed, subject to all just exceptions.

Legal heirs of respondent No.2 as mentioned in para No.4 of the application are ordered to be brought on record for the purpose of the decision of the revision petition.

Main Case

The undisputed facts are that the plaintiffs have indulged in repeated litigation on one pretext or the other.

Learned counsel for the petitioners has pointed out that the parties have already fought three earlier rounds of litigation. The defendants-petitioners challenged the order passed by the trial Court, dismissing the application filed under Order 7 Rule 11 CPC for rejection of

the plaint.

Learned counsel submits that 4th suit filed is totally an abuse of the process of the Court.

On the other hand, learned counsel for the respondents-plaintiffs submits that there was no final adjudication between the parties on the validity of the Will.

Taking into consideration that three rounds of earlier litigation are not being disputed, this revision petition is disposed of with direction to the trial Court to frame a issue of res judicata and limitation and treat the same as preliminary issues and decide the same within a period of two months from the date of receipt of certified copy of the order.

All the pending miscellaneous applications, if any, are disposed of, in terms of abovesaid judgment.

09.02.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No