

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

CR-3178-2017 (O&M)

Date of decision : 15.2.2018

Medscan Diagnostic Imaging Centre

..... Petitioner

Versus

Sanatan Dharam Mahabir Dal (Regd) and ors

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Karan Nehra, Advocate for the petitioner.

Mr. Pritam Saini, Advocate for respondents.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Heard.

Impugned in the present revision petition is the order dated 17.4.2017, passed by learned Civil Judge (Junior Division), Karnal, vide which while trying a suit for declaration with consequential relief of mandatory and permanent injunction and while deciding an application under Section 151 of the Code of Civil Procedure, 1908, the Court came to the conclusion that on a conjoint reading of Section 41 H of the Specific Relief Act, 1963; Section 8 of the Arbitration and Conciliation Act, 1996 and Order VII Rule 11 (d) of the Code of Civil Procedure 1908, the plaint is liable to be rejected on account of the fact that there is an arbitration agreement between the parties.

The legal proposition that an order passed under Order VII Rule 11 (d) of the Code of Civil Procedure, 1908, amounts to a decree and an appealable order, is not disputed by any of the parties.

Without going into the merits of the case, present revision petition is disposed of and the petitioner is relegated to avail the remedy of filing appeal before the competent Court. It is further directed that if any such appeal is filed within a period of one month from today, the same shall be entertained and decided on merits notwithstanding the question of limitation.

Disposed of as above.

(KULDIP SINGH)
JUDGE

15.2.2018
preeti

Whether speaking / reasoned	Yes
Whether Reportable:	No