

In the High Court of Punjab and Haryana at Chandigarh

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CR No.5922 of 2014

Date of decision: 18.7.2018

LABH SINGH AND ORS

.....petitioners

Versus

SARDARA SINGH AND ORS

.....respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Mohit Jaggi, Advocate,
for the petitioners.

Mr. Mayank Mathur, Advocate
for respondent No.1.

RAJ MOHAN SINGH, J.(oral)

Petitioners have assailed the order dated 6.8.2014 passed by Civil Judge (Sr.Divn.), Patiala, vide which application filed by the petitioners under Section 151 CPC for dismissal of the suit being barred under Section 11 CPC was dismissed.

Trial Court found that the application in question was not maintainable as the case was fixed for evidence of the plaintiff. Filing of the application was not covered under the scope of Order 7 Rule 11 CPC as even for that relief, pleadings of the earlier suit are to be pleaded and proved on record. For deciding the plea of *res judicata*, evidence needs to be led on record. The Court cannot take cognizance of the application at

this premature stage. The impugned order is not found to be suffered with any illegality or perversity.

This revision petition is accordingly dismissed.

July 18, 2018
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking

Yes/No

Whether reportable

Yes/No