

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

**RSA No.1649 of 2013 (O&M)
Date of Order:19.12.2018**

Brij Bhushan

..Appellant

Versus

Madan Lal and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Anupam Gupta, Sr. Advocate, with,
Mr. Abhishek Sharma, Advocate,
for the appellant.

Mr. Saurabh Garg, Advocate,
for respondent nos.1 to 4

Mr. Venu Gopal, Advocate, for
Mr. Raman Sharma, Advocate,
for respondent no.5-HPCL.

ANIL KSHETARPAL, J(Oral)

Plaintiff-appellant is in the regular second appeal against the judgments passed by the courts below rejecting the plaint under Order 7 Rule 11 of the Code of Civil Procedure.

After arguing at length, learned counsel for the parties have come to a consensus. It has been agreed that let the orders passed by the courts below be set aside and the learned trial court should be directed to frame preliminary issues on questions of resjudicata, limitation as well as Order 2 Rule 2 of the Code of Civil Procedure.

Keeping in view of the consensus arrived at, the judgments passed by the courts below are set aside.

Learned trial court is requested to frame 3 preliminary issues

and permit the parties to lead evidence thereon and thereafter decide those 3 preliminary issues within a period of 6 months from the date of receipt of a certified copy of this order.

December 19, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No