

CR-1190-2016 (O&M)

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

CR-1190-2016 (O&M)

Date of decision : 08.01.2019

Satyawan and others

... Petitioners

Versus

Somwati Devi and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Ashwani Gaur, Advocate
for the petitioners.

Mr. M.K. Tanwar, Advocate
for respondent No.1.

AMIT RAWAL, J. (ORAL)

The present revision petition is directed against the impugned order, whereby an application under Order 7 Rule 11 of the Code of Civil Procedure for dismissal of the suit, has been dismissed.

After addressing the arguments for some time, learned counsel for the parties are *ad idem* that instead of pondering upon the issue with regard to the maintainability of the suit, let the preliminary issue, in this regard, be framed and decided before the suit could be decided on other issues.

In view of consensus between the parties, the revision petition is disposed of with a liberty to the parties to press the matter for framing of the preliminary issue qua maintainability and in case, such issue is already framed,

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Court is directed to decide the preliminary issue, in the first instance, by
affording 3-3 effective opportunities to the parties to the *lis*, dehors of the
fact that application under Order 7 Rule 11 of CPC, has been dismissed.

08.01.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**