

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

CR No.3548 of 2017

Date of Decision : 13.12.2019

Gurdev Singh and others

.....Petitioners

Versus

Jai Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. J.P.Sharma, Advocate for the petitioners.

Mr. Akshay Kumar Goel, Advocate for the respondents.

ARUN PALLI, J. (Oral)

Petitioners are the defendants who are aggrieved by an order dated 31.08.2016, passed by the Civil Judge (Jr. Divn.), Dera Bassi, whereby their application under Order 7 Rule 11 CPC for rejection of the plaint has since been dismissed by the trial Court.

Ex facie, the order that has been impugned was passed over three years ago on 31.08.2016. It is not disputed either that present revision was filed almost a year later on 04.05.2017. Learned counsel for the parties are ad idem that after the issues were framed the respondents/plaintiffs have even concluded their entire evidence and the matter is posted for recording evidence of the petitioners-defendants.

That being so, and particularly as post passing of the impugned order dated 31.08.2016, the petitioners rather than assailing the said order, chose to file their written statement on 01.11.2016 and contest the suit on merits, am dissuaded to interfere in the matter, at this stage.

Thus, the petition is accordingly, dismissed.

13.12.2019

Manoj Bhutani

**(ARUN PALLI)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No