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

1. **Civil Revision No.6069 of 2017 (O&M)**
Date of Decision: 22.02.2019

RISHI RAJ AND ANRPetitioners
Vs
ANJU AND ANRRespondents

2. **Civil Revision No.6147 of 2017 (O&M)**

RISHI RAJ AND ANRPetitioners
Vs
ANUJ AGGARWAL AND ANRRespondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. S.S. Dinarpur, Advocate
for the petitioners.

Mr. Akshay Jindal, Advocate
for respondent No.1 in CR No.6069 of 2017.

Mr. R.T. Redhu, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

[1]. Vide this common order CR Nos.6069 and 6147 of 2017 (O&M) are being decided. Since similar controversy is involved in both the petitions, therefore, common facts are being culled out from CR No.6069 of 2017.

[2]. This revision petition has been directed against the order dated 17.04.2017 passed by the Addl. Civil Judge (Sr. Divn.) Karnal, vide which the application filed by the petitioners

under Order 7 Rule 11 CPC for rejection of the plaint was dismissed.

[3]. The frame of the application would show that the same was filed under Order 7 Rule 1(j) and 11 read with Section 151 CPC for rejection of the plaint. Apparently, there was no such previous civil litigation between the parties.

[4]. During course of arguments, the plea in respect of limitation has not been argued by learned counsel for the petitioners. His only argument was that the plaintiffs have no cause of action for filing suit for unliquidated damages.

[5]. In view of frame of the application and the cause of action being dependent upon bundle of fact(s), no indulgence can be granted in both the revision petitions. If the pleadings have created an illusion in respect of cause of action, the defendants may avail the stage of Order 10 CPC in accordance with law. Reference can be made to **Church of Christ Charitable Trust and Education Charitable Society vs. Ponniamman Educational Trust, (2012) 8 SCC 706**. Both the revision petitions are accordingly dismissed.

February 22, 2019

Atik

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No