

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

CR No.7738 of 2016

Date of Decision:10.09.2019

MAHESH LAL

...Petitioner

Versus

MALKIAT KAUR AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Puneet Jain, Advocate for
Mr. Rakesh Gupta, Advocate
for the petitioner.

Mr. Rohit Kapoor, Advocate
for respondents No. 1 and 2.

Mr. Nikhil Chopra, Addl. A.G.Punjab.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 14.10.2016 passed by the Civil Judge (Junior Division), Jalandhar (for short-the Trial Court) dismissing an application preferred by the petitioner under Order 7 Rule 11 CPC through which he had sought rejection of the suit filed by respondents No.1 and 2 on the ground that the same was barred under Section 94 of the Motor Vehicles Act, 1988.

The present petition was filed in the year 2016 and notice for the same was also issued in that year.

Since there was no interim stay of proceedings, learned counsel for the parties inform the Court that as on date respondents No.1 and 2's suit

is listed before the Trial Court for final arguments and in such suit, amongst others, on the issue with regard to maintainability of the suit, both sides have led evidence.

In view of the above, the present petition has been rendered infructuous and is disposed of as such, leaving it open to the Trial Court to decide respondents No.1 and 2's suit including the issue of maintainability, on the basis of evidence led by the parties in accordance with law. There is no doubt in the mind of this Court that while deciding respondents No.1 and 2's suit, the Trial Court shall not be influenced by the findings returned in the impugned order as such order was passed before the parties had led their evidence.

(DEEPAK SIBAL)

JUDGE

September 10, 2019

Whether speaking/reasoned Yes/No Whether Reportable Yes/No

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