

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

**CR No.7356 of 2018(O&M)
Date of Decision: 18.11.2019**

Bimal Mishra

....Petitioner

Versus

Jeetinder Salotra and another

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Ms. Riya Sharma, Advocate for
Mr. Vikas Bali, Advocate
for the petitioner.

Mr. Jatinder Nagpal, Advocate for
Mr. Mohit Kumar, Advocate
for respondent No.1.

Mr. Wazir Singh, Advocate for
Mr. Nonish Kumar, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner has preferred this revision petition for issuance of direction to the trial Court to decide the application under Order 6 Rule 17 CPC in first point of time and the application under Order 7 Rule 11 CPC filed by the defendant be decided thereafter in accordance with law.

[2]. I find the prayer to be innocuous one to be accepted as the proposed amendment in the pleadings of the plaint may give rise to some ground on which the application under Order 7

Rule 11 CPC can be materially affected. The submissions made by learned counsel for the petitioner that the proposed amendment would nullify the scope of application under Order 7 Rule 11 CPC or may not be a guiding force for the trial Court, but the trial Court in any case, would decide the application under Order 6 Rule 17 CPC at first point of time in accordance with law and thereafter, shall proceed to decide the application under Order 7 Rule 11 CPC as per requirement of law in terms of Order 7 Rule 11 CPC.

[3]. For the reasons mentioned hereinabove, I deem it appropriate to issue directions to the trial Court, where both the applications are pending to decide the application under Order 6 Rule 17 CPC prior in point of time in accordance with law.

[4]. Disposed of.

18.11.2019

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**(RAJ MOHAN SINGH)
JUDGE**

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No