

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 7677 of 2019 (O&M)
Date of Decision: 16.1.2020**

Charanjeet Singh

---Petitioner

versus

Harpal Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Mandeep Singh Talwar, Advocate
for the petitioner**

Rekha Mittal, J.

Challenge in the present petition has been directed against order dated 31.8.2019 passed by the Civil Judge (Junior Division), Patiala whereby application under Section 11 read with Section 151 of the Code of Civil Procedure (in short “the Code”) for stopping the trial/proceedings and Order 7 Rule 11 of the Code for dismissing the application under Order 9 Rule 13, has been dismissed.

Since proceedings before the trial court are in respect of setting aside a judgment and decree dated 14.1.2013 passed ex parte against the respondents-defendants, the question of that application being barred by principle of res judicata because of decision of some other litigation between the parties does not arise in any circumstances whatever. The provision of Order 7 Rule 11 of the Code deals with rejection of plaint and not an application under Order 9 Rule 13 of the Code. In view of the above, inescapable conclusion is that instant application is nothing short of blatant

misuse of process of law and filed under advise of a legal brain with an ulterior motive to achieve i.e. to stall process initiated by the respondents on the basis of agreement to sell dated 17.6.2010. In this view of the matter, I do not find any reason to interfere in the impugned order in exercise of extraordinary jurisdiction of the Court.

For the foregoing reasons, the petition fails and is accordingly dismissed with compensatory costs of Rs. 10,000/-, to be recovered and deposited in Poor Patients Welfare Fund of PGI.

(Rekha Mittal)
Judge

16.1.2020

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No