

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

Sr. No.116

CR-775-2021 (O&M)
Date of decision : 03.09.2021

Mohd. Hanif and another

..... Petitioners

VERSUS

Gurmail Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Imran Farooqi, Advocate, for the petitioners.

SUDHIR MITTAL, J. (Oral)

The petitioners are the defendants. Their application under Order 7, Rule 11 C.P.C has been dismissed vide impugned order dated 03.02.2021 passed by the trial Court.

The trial Court has held that the dispute pending before this Court in RSA-4182-2000 is not between the same parties and the pendency of the said case would not bar the instant suit. Further, it has been held that an earlier suit between the same parties was withdrawn before the Lok Adalat and there was no final decision. The order would not act as res judicata as there was no final decision on merits. Suit being an injunction suit, can be filed as and when the cause of action arises. It is not the case of the petitioners that the plaint does not disclose a cause of action. Consequently, application under Order 7, Rule 11 C.P.C has been dismissed.

Learned counsel for the petitioners submits that the pending regular second appeal is regarding the same property and is between the same parties. The observation of the trial Court in this regard is erroneous. However, the record before me does not support the argument raised by learned counsel for the petitioners.

Learned counsel for the petitioners prays for time to place on record necessary documents.

The prayer cannot be accepted. On 30.04.2021, the matter had been adjourned finally since adjournments had been sought on two earlier occasions also. The prayer is thus, rejected.

Since, learned counsel for the petitioners has not been able to show that the findings of the learned trial Court are erroneous in any manner, the revision petition deserves dismissal.

Ordered accordingly.

(SUDHIR MITTAL)
JUDGE

03.09.2021

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No