

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

Sr. No.117

**Civil Revision No.768 of 2021
Date of Decision : August 23, 2021**

Yes Bank Limited

...Petitioner

Versus

TTS Holiday Resorts Private Limited Through its Director Smt. Parveen
Rekhi

...Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. D.K. Singal, Advocate, for the petitioner.

SUDHIR MITTAL, J. (ORAL)

Vide order dated 10.02.2020 (Annexure P-12), the Civil Judge (Junior Division), Chandigarh has dismissed the application filed by the petitioner under Order 7 Rule 11 CPC.

The suit of the respondent-plaintiff is for recovery of arrears of rent and the application under Order 7 Rule 11 CPC has been filed on the ground that the petitioner-defendant has already filed an original application before the Debts Recovery Tribunal for recovery of security amount paid in terms of lease agreement dated 20.04.2012.

Learned counsel for the petitioner submits that since an original application is already pending before the Debts Recovery Tribunal, the respondent-plaintiff should have filed a counter-claim in the same application. Having not done so, the plaint is barred by law and deserves to

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be rejected under Order 7 Rule 11 CPC. He places reliance upon *State Bank of India vs. Ranjan Chemicals Ltd. 2007(1) PLR 24.*

Order 7 Rule 11 CPC applies only where the suit appears from the statement in the plaint to be barred by any law. According to the statement in the plaint, the suit is for recovery of arrears of rent and thus, to say that it is barred by law on account of filing of an earlier original application by the defendant-petitioner is illogical. The judgment in *Ranjan Chemicals (supra)* is not applicable in this case. The said case arose out of a transfer application filed before the Civil Court.

In view of the above, the revision petition has no merit and is dismissed.

August 23, 2021

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No