

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 1661 of 2021 (O&M)

Date of decision : 20.8.2021

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Abnash Kaur @ Abhinash Kaur and others

.....Petitioners

vs.

The Shakti Vihar Co-operative House Building Society Ltd.,
Bathinda

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Rishabh Gupta, Advocate for the petitioners.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

Plaintiff- The Shakti Vihar Co-operative House Building Society Ltd., Bathinda through its President Jagdeep Singh and Secretary Zora Singh, had brought a suit for declaration and permanent injunction against defendants Abnash Kaur @ Abhinash Kaur and others. That civil suit, which was pending in the court of Civil Judge (Junior division), Bathinda, was dismissed in default on 19.9.2017 on account of absence of the plaintiff from the Court. Subsequently, an application for restoration of the suit was filed on behalf of the plaintiff on 27.10.2017, notice of which was given to

the defendants, who appeared and filed written reply, opposing the application. After hearing the arguments, vide detailed order dated 6.7.2021, the application was accepted and the suit was ordered to be restored at its original number. This order left the defendants aggrieved and they have challenged the same by way of filing the instant revision petition.

I have learned learned counsel for the petitioners, besides going through the record.

The prayer in this civil revision petition is two fold. Firstly, asking for setting aside of the impugned order dated 6.7.2021, allowing restoration of the civil suit and secondly, for issuing appropriate directions to the trial court to decide application filed by the defendants under Order 7 Rule 11 CPC, which is stated to be pending since 5.9.2017, in a time bound manner.

As far as the first part of the prayer is concerned, the learned counsel for the revisionist states that he does not press the same and he has requested for issuing of necessary direction to the trial court with regard to second part of the prayer.

In my considered view, that part of prayer needs to be accepted. Once the defendants have moved an application under Order 7 Rule 11 CPC, seeking rejection of the plaint, taking various pleas and taking several objections, that application is required to be disposed of in accordance with law.

Accordingly, this civil revision petition is disposed of directing the trial Court to dispose of the application under Order 7

Rule 11 CPC, filed by the defendants, expeditiously, preferably within a period of one month from the date of receipt of a copy of order in the said Court.

20.8.2021
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No