

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

Sr. No.114

CR-3025-2021 (O&M)

Date of decision : 30.11.2021

Surjit Singh and another

..... Petitioners

VERSUS

Union of India

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Karan Singla, Advocate, for the petitioners.

Mr. B.B. Sharma, Advocate, for the respondent-UOI.

SUDHIR MITTAL, J. (Oral)

The petitioner is the defendant. His application under Section 11 C.P.C has been dismissed on the ground that the prayer made in the subsequent suit is different from that in the earlier suit. Thus, the issue in the present suit was not directly and subsequently in issue in the earlier suit.

Learned counsel for the petitioners submits that subsequent suit is barred by Order 2 Rule 2 C.P.C and thus, he wants to withdraw this petition with liberty to file an application under Order 7 Rule 11 CPC.

Dismissed as withdrawn with the aforementioned liberty.

**(SUDHIR MITTAL)
JUDGE**

30.11.2021

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No