

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

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**CR-1029-2020(O&M)
Date of Order: 20.04.2022**

Nirmal Kumar

..Petitioner

Versus

Ram Phal and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Suresh Kumar Aneja, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

An application under Order 7 Rule 11 CPC filed by the plaintiff to reject the counter claim has been assailed.

The court after noticing that the counter claim is based on a different cause of action, has passed the order.

The plaintiff assails the interlocutory order passed by the Court while dismissing an application under Order 7 Rule 11 CPC.

The learned counsel representing the petitioner contends that on the day the counter claim was filed by the defendants, his suit for grant of decree of permanent injunction was pending. He submits that the same was dismissed in default subsequently.

In the considered opinion of the Court, once the counter claim is based on a different cause of action and the previous suit filed by the defendants was only for grant of decree of permanent injunction, then the counter claim cannot be rejected under Order 7 Rule 11 CPC.

Hence, no ground to interfere.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

April 20, 2022
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(ANIL KSHETARPAL)
JUDGE

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