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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH****CR-5969-2022****Date of Decision: December 16, 2022**

Harish Satija @ Harish Chander Satija ..... Petitioner

*Versus*

Harish Sachdeva @ Harish Kumar Sachdeva and anr.

..... Respondents

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present:- Mr. Rajesh Goyal, Advocate for the petitioner.

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**HARKESH MANUJA, J. (ORAL)**

By way of present revision petition, petitioner/ plaintiff (hereinafter referred to as 'the petitioner') seeks issuance of a direction to the trial Court to decide the application under Order 7 Rule 11 CPC filed at the instance of respondents/ defendants (hereinafter referred to as 'respondents').

Facts leading to the present revision petition are that the petitioner filed a suit for rendition of accounts against respondents on 16.09.2019 by relying upon partnership deed dated 26.10.2016 executed between the petitioner and respondent No.1. Having appeared in January 2020, respondents moved an application under Order 7 Rule 11 CPC with a prayer for rejection of plaint by relying upon clause 14 of the aforesaid deed on the ground that the dispute between the parties was covered under arbitration clause. Immediately thereafter, the petitioner filed his reply dated 06.02.2020 to the

aforesaid application even making an alternate prayer for sending the dispute to Arbitrator in case the trial Court finds so.

Relying upon the zimni orders passed by the Court below, it has been contended on behalf of the petitioner that for the past more than 2 years now the application under Order 7 Rule 11 CPC, filed at the instance of respondents has not been being adjudicated upon, thereby causing unnecessary delay in disposal of the suit.

I have heard learned counsel for the petitioner and gone through the paper-book. I find substance in the submissions made on behalf of the petitioner.

A perusal of the paper-book shows that the suit for rendition of account was filed way-back in September 2019. Thereafter application under Order 7 Rule 11 CPC was filed in January 2020 which was immediately replied in February 2020. However, even after the expiry of more than 2 years now the same has not been disposed of so far, thereby causing unnecessary delay in disposal of the suit filed at the instance of petitioner.

Considering the aforesaid, I deem it appropriate to dispose of the present revision petition with a request to the trial Court to decide the application filed under Order 7 Rule 11 CPC preferably on the date fixed or as per its convenience within a period of two weeks' thereafter.

Ordered accordingly.

Keeping in view the nature of proceedings, the present revision petition is being decided without issuing notice to the respondents, least it may delay the proceedings in the suit.

However, in case, the respondents find any misstatement of facts on the part of the petitioner, they would be at liberty to approach this Court by moving an appropriate application.

December 16, 2022  
sanjay

( HARKESH MANUJA )  
JUDGE

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|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |