

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(117)

CR-48-2023 (O&M)

Date of Decision : January 09, 2023

M/s Escorts Limited Now Escorts Kubota Limited and others

.. Petitioners

Versus

Inderjit Dulloo

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. A.S. Chadha, Advocate, with
Mr. Adarsh Jain, Advocate, for the petitioners.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel appearing on behalf of the petitioners submits that though in the present civil revision petition order dated 11.11.2022 passed on an application filed by the petitioners under Order 7 Rule 11 of the CPC has been challenged by which the said application has been dismissed but the said prayer be disposed of having been not pressed any further with liberty to the petitioners to file appropriate written statement to the suit filed by the respondent-plaintiff raising all the objections including the question of limitation. Learned counsel appearing on behalf of the petitioners further submits that trial Court be directed to frame all the issues, which arise keeping in view the pleadings of the parties and those be decided in accordance with law.

This Court has no apprehension that the trial Court will frame the issues in accordance with law keeping in view the pleadings of the parties and in case keeping in view the pleadings of the parties, the issue of limitation arises, the same will also be framed by the trial Court and will be decided in accordance with law keeping in view the facts of the present case coupled with the settled principle of law.

Learned counsel for the petitioners submits that as the parties were litigating on an application filed under Order 7 Rule 11 of the CPC, the written statement has not been filed so far, hence, four weeks' time be granted to the petitioners to file written statement to the suit filed by the petitioners so that, the suit is decided in accordance with law keeping in view the facts and circumstances of the present case.

The trial Court is requested to grant the final opportunity to the petitioners to file reply within a period of one month from the next date of hearing which is stated to be 12.01.2023. In case, there is no impediment qua the grant of said relief keeping in view the zimni order already passed in the proceedings.

The present civil revision petition is disposed of in above terms.

CM-154-CII-2023

As the main civil revision petition has been disposed of, present application stands disposed of as not pressed.

January 09, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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