

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

297`

CM-711-CII-2023  
CR-2106-2021 (O&M)  
Date of Decision :24.05.2023

M/s DLF Utilities Limited

..Petitioner

Versus

Omwati and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Chetan Mittal, Senior Advocate with  
Mr. Kunal Dawar, Advocate for the petitioner.

Mr. Gaurav Chopra, Senior Advocate with  
Mr. Reshabh Bajaj, Advocate for respondents No.1 and 2.

\* \* \*

**Harsimran Singh Sethi, J. (Oral)**

Present civil revision petition has been filed challenging the order dated 07.03.2020 (Annexure P/4) passed by the trial Court by which, an application filed by the petitioner-defendant under Order 7 Rule 11 of the CPC has been rejected.

Learned Senior counsel appearing for the petitioner after addressing arguments for some time submits that keeping in view the facts and circumstances of the present case, the petitioner will be satisfied in case the petitioner is allowed to file an appropriate application before the trial Court so as to raise the plea of framing the preliminary issues qua the maintainability of the suit keeping in view the prayer in the suit as well as on the ground of limitation provided and the trial Court be directed to pass an appropriate order on the said application keeping in view the provisions of

law.

Learned Senior counsel appearing for respondents No.1 and 2 submits that he has no objection in case any application is filed by the petitioner for the consideration of the trial Court but plaintiff be given liberty to contest the said application on the grounds available to the plaintiff.

Keeping in view the above, as being prayed, the present revision petition is disposed of having been not pressed but with liberty as prayed for.

**CM-711-CII-2023**

Application is disposed of.

**May 24, 2023**

*aarti*

**(HARSIMRAN SINGH SETHI)**

**JUDGE**

*Whether speaking/reasoned : Yes/No*

*Whether reportable : Yes/No*