

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR No.353 of 2023

Date of Decision: 19.01.2023

Attar Singh and another

.....Revisionists-petitioners

Versus

M/s Nemita Commercial Pvt. Ltd. and others

.....Respondents

BEFORE: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Jagmohan Ghumman, Advocate
for the revisionists-petitioners.

MEENAKSHI I. MEHTA, J.(Oral)

By way of the instant petition, the petitioners (arrayed as plaintiffs No.1 and 8 in Civil Suit No.339 of 2022) have laid challenge to the order dated 04.01.2023 (Annexure P-4) passed by learned Civil Judge (Junior Division), Gurugram (for short 'the trial Court'), whereby the issues have been framed in the said Civil Suit.

2. I have heard learned counsel for the petitioners in the present revision petition, at the preliminary stage and have also perused the file carefully.

3. Learned counsel for the petitioners contends that before framing the issues vide the impugned order, the trial Court did not afford any opportunity to the petitioners to file the replication/rejoinder and also

to move the application for seeking the issuance of direction to the respondents-defendants to admit or deny the documents and therefore, the said order is not legally sustainable and deserves to be set aside.

4. However, the afore-raised contention is devoid of any merit because a perusal of the impugned order Annexure P-4 reveals that it has nowhere been mentioned in the same that at the time of the framing of the issues by the trial Court, the petitioners had made any prayer for granting them an opportunity for filing rejoinder/replication as well as the above-referred application. Therefore, it does not lie in their mouth to say that the impugned order is illegal or unjustified.

5. In view of the fore-going discussion, this Court is of the considered opinion that the impugned order does not suffer from any illegality, infirmity, irregularity or perversity so as to call for any interference by this Court. Resultantly, the revision petition in hand, being *sans* any merit, stands dismissed.

January 19, 2023
pooja

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>