

In the High Court of Punjab and Haryana, at Chandigarh**Civil Revision No. 2863 of 2013****Date of Decision: 24.07.2023**

Udey Veer Singh (Now Deceased) through his Legal Representatives

... Petitioner(s)

Versus

Ramesh Saluja and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. O.P.Goyal, Senior Advocate
with Ms. Parul Aggarwal, Advocate
for the petitioner(s).

Ms. Ridhi Bansal, Advocate
for Mr. R.Kartikeya, Advocate
for the respondent No.1.

Mr. Mohit Garg and Mr. Mohit Saini, Advocates
for the respondent No.2 to 5.

Anil Kshetarpal, J.

1. The learned counsel representing the parties have been heard at some length.

2. The learned senior counsel representing the petitioner submits that the trial Court shall be directed to cull out a distinct issue on the maintainability of the subsequent suit under Order II Rule 2 of the Code of Civil Procedure, 1908 (hereinafter referred to as “CPC”). He submits that the trial Court should be directed to decide the same independently without being influenced by the impugned order.

3. The learned counsel representing the respondents have no

Civil Revision No. 2863 of 2013

4. Keeping in view the aforesaid facts, the present revision petition is disposed of by directing the trial Court to frame a distinct issue on maintainability of the suit in view of the bar under Order II Rule 2 CPC, which shall be decided independently, in accordance with law, without being influenced by the impugned order.

(Anil Kshetarpal)
Judge

July 24, 2023
“DK”

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