

2023:PHHC:103037

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-926 of 2017 (O&M)
Date of Order: 09.08.2023

Suman Devi

.Petitioner

Versus

Rewati Devi and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.K.Tripathi, Advocate
for the petitioner.

Mr. Abhishek Sharma, Advocate, for
Mr. Kulbhushan Sharma, Advocate
for the respondents.

ANIL KSHETARPAL, J

1. During the pendency of the suit, an application filed by the defendant to frame a distinct issue on the fact that the suit is barred under Order 2 Rule 2 CPC has been dismissed by the trial court after noticing that the previous suit was not filed by the plaintiff. The *sine-qua non* for the bar under Order 2 Rule 2 is to the effect that the plaintiff must have filed a previous suit.

2. Since the previous suit was filed by the defendant, hence bar under Order 2 Rule 2 CPC is not applicable.

3. Consequently, no ground to interfere is made out.

4. Dismissed.

5. All the pending miscellaneous applications, if any, are also disposed of.

August 09, 2023

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO