

**141 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-1625-2021 (O&M)

Date of decision: 25.08.2023

Mange Ram and others

..Petitioners

Versus

Pushpa Aggarwal and others

.Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. O.P.Goyal, Sr. Advocate with
Mr. Yugank Goyal and
Mr. Sachin Bansal, Advocates for the petitioners

Mr. Akash Singla, Advocate for respondent no.1

ANIL KSHETARPAL, J (Oral)

1. The petitioners' application (defendant) under Order VII Rule 11 of the Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC') to reject the plaint filed by Mrs. Pushpa Aggarwal in view of the bar to the maintainability of the subsequent suit under Order XXIII Rule 3A CPC has been dismissed by the trial court. Admittedly, Mrs. Pushpa Aggarwal was not a party to the previous litigation, in which a compromise decree was passed. Moreover, Mrs. Pushpa Aggarwal has filed the suit on the basis of an independent claim.

2. After arguing for some time, the learned senior counsel representing the petitioners submits that the trial court be directed to frame a distinct/independent issue on this objection of the defendant.

3. Learned counsel representing the respondent has drawn the attention of the Court to issue no.10 framed by the trial court, which reads as under:-

“10. Whether the suit of plaintiff is barred under the provisions of Order 23 Rule 3 A CPC and is also barred by resjudicate? OPD.”

- 4. In view of the aforesaid, the revision petition is disposed of.
- 5. All the pending miscellaneous applications, if any, are also disposed of.

25.08.2023
rekha
Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No

(ANIL KSHETARPAL)
JUDGE