

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

(216)

CR-1428-2021

Date of Decision : January 06, 2023

Nirvana Residents Welfare Association

.. Petitioner

Versus

Vippan Kapur and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gopal Sharma, Advocate, for the petitioner.

Mr. Arnav Sood, Advocate, for respondents No. 1 & 3.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner submits that though in the present petition, the challenge is to the order dated 06.03.2020 (Annexure P-5) by which, the application filed by the petitioner under Order 7 Rule 11 of the CPC has been dismissed but keeping in view the subsequent events, wherein, the issues have been framed by the trial Court in the suit on 08.08.2022, wherein also, the question is whether the suit is maintainable in the present form or the same is barred by any law, the said issues No. 4 and 5 be treated as preliminary issues and decided before adverting to the other issues.

Learned counsel for the respondents submits that he has no objection if the issue No. 4 and 5 as framed by the trial Court, are treated as preliminary issues and are decided first before touching the other issues.

Keeping in view the above, the trial Court is directed to decide the issues No. 4 and 5 as preliminary issues and keeping in view the finding on the preliminary issues, remaining issues be taken up for consideration in accordance with law.

The present civil revision petition is disposed of in above terms.

January 06, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No