

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-832 of 2023 (O&M)
Date of Order: 26.07.2023

Tarun and others

.Petitioners

Versus

Krishna and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None.

ANIL KSHETARPAL, J

1. On 11.07.2023 as well as on 21.07.2023, the learned counsel representing the petitioners did not attend the hearing, however, the case was adjourned. Today again, the case has been called out twice, however, the learned counsel representing the petitioners did not come forward to press this petition.

2. This Court has perused the paper book. An application filed by the petitioners under Order 7 Rule 11 CPC to reject the plaint on the ground that the subsequent suit is barred by resjudicata, has been dismissed by the trial court.

3. While considering the application under Order 7 Rule 11 CPC, the contents of the plaint are required to be seen. The issue of resjudicata can only be decided once the parties lead material evidence.

4. Keeping in view the aforesaid facts, the revision petition is disposed of with a request to the trial Court to frame a distinct issue on the issue of resjudicata and decide the same while deciding the suit finally. The observations made in the impugned order shall not be construed as the final

expression on the merits of the case.

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

July 26, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO