

127.

2023:PHHC:158872

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

CR-7475-2023

Date of decision: 12.12.2023

LAJIYA WATI

.... Petitioner

Versus

INDERJIT SINGH AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Satbir Rathore, Advocate, for the petitioner.

GURBIR SINGH, J. (Oral)

1. Prayer in this civil revision petition filed under Article 227 of the Constitution of India read with Section 151 CPC is for quashing the order dated 07.11.2023 (Annexure P-9) passed by learned Civil Judge (Junior Division), Dasuya vide which the application (Annexure P-7) filed by the petitioner under Section 11 CPC for dismissing the suit on the ground of *res judicata* has been dismissed.

2. Learned counsel for the petitioner submits that an application dated 03.11.2022 (Annexure P-7) was moved by the petitioner that the suit is barred by *res judicata*. The court below dismissed the said application *inter alia* on the ground that the earlier suit was for possession and the instant suit is for declaration but the issue involved in both the cases is the same. He further submits that at this stage, the petitioner would be satisfied if she be allowed to raise the issue in the written statement and then the same be treated as preliminary issue and be decided by the court in accordance with law.

3. Dismissed as withdrawn with liberty to the petitioner to file written statement raising all the points and the court shall pass speaking order with regard to treating the issue of *res judicata* as preliminary issue and after deciding the same, will proceed further.

(GURBIR SINGH)
JUDGE

December 12, 2023

sanjeev

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No