

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-864-2023
Date of decision:29.02.2024

SONIA INTERNATIONAL AND OTHERS

..... PETITIONERS

VERSUS

SUN CANADA EXIM INC. AND OTHERS

..... RESPONDENTS

CORAM : HON'BLE MR.JUSTICE ANIL KSHETARPAL

Present :- Mr. Akshay Kumar Jindal, Advocate
for the appellants.

Mr. Ankit Joshi, Advocate
for respondents No. 1 and 2.

ANIL KSHETARPAL, J. (ORAL)

1. This revision petition has been filed by the defendants to assail the correctness of the order passed by the trial Court, while dismissing the application filed by the appellants under Order 7 Rule 11 of the Code of Civil Procedure, 1908 to reject the plaint at the threshold.
2. In order to comprehend the issues involved in the present case, the relevant facts, in brief, are required to be noticed.
3. The respondents have filed a suit for rendition of accounts against the petitioners. During the pendency of the suit, an application was filed by the defendants to reject the plaint under Order 7 Rule 2, 11(b), 14, 17 and Order 30 rule 2, Order 30 rule 8(1), (2), (4) read with Section 151 CPC.
4. The trial Court held that while deciding application under Order 7 Rule 11, the assertions made in the plaint are required to be examined. Thus, the Court dismissed the application.

5. Learned counsel representing the petitioners contends that the suit is not maintainable under Section 69 of the Partnership Act, 1932. He submits that a formal partnership deed was never drawn between the defendants and the plaintiffs.
6. On a Court question, he admits that this objection was never pressed before the trial Court.
7. In revision petition, the High Court is expected to examine the correctness and validity of the impugned order. The High Court in the exercise of its revisional jurisdiction will not ordinarily travel beyond its jurisdiction while entertaining a revision petition against an interlocutory order.
8. Keeping in view of the aforesaid facts and discussion, no ground to interfere is made out.
9. Dismissed, accordingly.
10. It shall be open to the petitioners to take an objection before the trial Court and pray for framing a distinct issue on the aforesaid objection.
11. All the pending misc. applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

29.02.2024
Anu

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No