



CR-4302-2024

-1-

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

(127)

CR-4302-2024

Date of decision: - 02.08.2024

HDFC Bank Ltd. and others**....Petitioners****Versus****Deepak Saxena****.....Respondent****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Nitin Thatai, Advocate
for the petitioners.

Mr. Mayank Mathur, Advocate
for the respondent.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside of the impugned order dated 07.05.2024 (Annexure P-8) passed by the learned Civil Judge (Senior Division), Patiala, whereby the application under Order 7 Rule 11 of CPC filed by the petitioners for rejection of plaint has been dismissed.

2. Learned counsel for the petitioners has submitted that the impugned order dated 07.05.2024 (Annexure P-8) is cryptic and non-speaking and does not even deal with the primary objections raised in the application dated 14.03.2023 (Annexure P-6) filed under Order 7 Rule 11 and Section 9 of CPC, read with Section 151 CPC and does not even

**CR-4302-2024****-2-**

consider the judgments of the Hon'ble Supreme Court which have been reproduced in the said application. It is further submitted that thus, the impugned order dated 07.05.2024 (Annexure P-8) deserves to be set aside on the said ground alone.

3. Learned counsel for the respondent has submitted that the application under Order 7 Rule 11 CPC (Annexure P-6) deserves to be dismissed, however, he could not dispute the fact that the specific pleas raised in the said application (Annexure P-6) have not been considered. It is further submitted that in case on the said aspect, the impugned order is set aside, the same should not be construed as an expression on the merits of the case.

4. This Court has heard learned counsel for the parties and has perused the paper-book.

5. A perusal of the impugned order dated 07.05.2024 (Annexure P-8) shows that the specific pleas which have been raised in the application dated 14.03.2023 (Annexure P-6) filed under Order 7 Rule 11 CPC for rejection of the plaint and the law cited in the aforesaid application have not been considered by the trial Court, thus, the order of the trial Court deserves to be set aside on the said ground alone. Accordingly, the present civil revision petition is partly allowed and the impugned order dated 07.05.2024 (Annexure P-8) is set aside and the trial Court is directed to decide the application dated 14.03.2023 (Annexure P-6) afresh in accordance with law, as expeditiously as possible.

6. It is made clear that this Court has not opined on the merits

CR-4302-2024

-3-

of the case and the case would be decided by the trial Court after taking into consideration the arguments raised by learned counsel for both the parties, in accordance with law.

August 02, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No