

CR-4716-2023 (O & M) and  
CR-4934-2023 (O & M)

-1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

204-2 cases

1. CR-4716-2023 (O & M)  
Date of decision:18.01.2024

SUJINDER SINGH AND ANR. ... PETITIONERS

V/S

MONICA ... RESPONDENT

2. CR-4934-2023 (O & M)

SUJINDER SINGH AND ANR. ... PETITIONERS

V/S

MONIKA @ MONICA AND ANR ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Prateek Sodhi, Advocate for the petitioners  
in both cases.

Mr. Rohit Sud, Advocate for the respondent(s)  
in both cases.

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SUVIR SEHGAL J. (ORAL)

1. This order shall dispose of the above mentioned 02 petitions as they involve common questions of law and fact.
2. Mr. Rohit Sud, Advocate has put in appearance on behalf of the respondent(s) in both cases and filed separate Memorandum of Appearance, which are taken on record.

CR-4716-2023 (O & M) and  
CR-4934-2023 (O & M)

-2-

3. Brief factual matrix is being noticed from CR-4716-2023.
4. Petitioners have approached this Court by way of present revision petition filed under Article 227 of the Constitution of India for setting aside order dated 04.08.2023, Annexure P-8, whereby learned Additional District Judge, Amritsar, has dismissed his application under Order 7 Rule 11 CPC by holding that it has become infructuous and has allowed the application filed by the respondent for amendment under Order 6 Rule 17 CPC.
5. Counsel for the petitioners submits that the respondent had filed a petition, Annexure P-1, under Section 9 of the Arbitration and Conciliation Act, 1996, without referring to the partnership deed between the parties or to the arbitration clause. He submits that the petitioners filed an application, Annexure P-2, under Order 7, Rule 11, CPC for rejection of the petition and in order to overcome the defects, respondent filed an application, Annexure P-5, under Order 6, Rule 17, CPC for amendment. He submits that after contest, both the applications have been decided by the impugned order.
6. By referring to order dated 10.01.2024 passed by the learned Additional District Judge, Amritsar, counsel for the petitioners submits that after the amendment application was allowed, respondent has filed an application to file a fresh affidavit to cure the defect. He submits that the mandate of Order 6 Rule 15 CPC has still not been complied with even the amended

CR-4716-2023 (O & M) and  
CR-4934-2023 (O & M)

-3-

petition/affidavit being filed cannot be accepted. He submits that the petitioners have filed a fresh application under Order 7 Rule 11 CPC, which is pending. In view of the subsequent development, he seeks permission to withdraw the petition with liberty to press the fresh application moved by him under Order 7 Rule 11, CPC.

- 7. Permission is granted.
- 8. Dismissed as withdrawn with aforesaid liberty.
- 9. Pending application(s), if any, shall stand disposed of.

18.01.2024  
*sheetal*

(SUVIR SEHGAL)  
JUDGE

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|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |