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2024.PHHC.069184



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

**CR-5332-2023 (O&M)
Date of Decision: 15.05.2024**

**SATISH KUMAR THROUGH HIS LRS AND OTHERS
....Petitioners**

VERSUS

**GHANSHYAM DASS AND OTHERS
....Respondents**

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Saurabh Bajaj, Advocate
for the petitioners.

Mr. Vikram Singh, Advocate
for the respondents.

VIKAS SURI, J. (Oral)

1. This civil revision petition under Article 227 of the Constitution of India has been preferred by the petitioner-plaintiff challenging the order dated 28.08.2023 (Annexure P-6), whereby two applications, one under Order 1 Rule 10 CPC and the other under Order 6 Rule 17 CPC were dismissed by a common order, passed by the learned Addl. Civil Judge (Senior Division), Ganaur.

2. Upon notice, respondents put in appearance through counsel. Learned counsel for the respondent-defendants submits that the suit is at preliminary stage. He, on instructions from respondent-defendants, states that they do not wish to contest the



present revision petition subject to them being giving an opportunity to file written statement to the amended plaint and take plea of being barred by the law of limitation. It is, thus, submitted that the present petition be accordingly disposed of and the impugned order be modified to the above extent.

3. Learned counsel for the petitioner submits that in view of the statement suffered by learned counsel for the respondents, the present petition be allowed, the impugned order be set aside and resultantly, both the applications filed under Order 1 Rule 10 CPC and Order 6 Rule 17 CPC be allowed.

4. Heard learned counsel for the parties and with their able assistance perused the record.

5. In the light of the consensus arrived at between the parties, the present petition is disposed of by setting aside the order dated 28.08.2023. Resultantly, both the applications filed under Order 1 Rule 10 CPC and Order 6 Rule 17 CPC are allowed. It is, however, made clear that respondent-defendants would be at liberty to raise all legal pleas including that of limitation, as per law.

6. The present revision petition is disposed of with the aforesaid observations.

7. Pending applications, if any, also stand disposed of.

May 15, 2024

Sangeeta

(VIKAS SURI)
JUDGE

Whether reasoned/speaking:
Whether reportable:

Yes/No
Yes/No