



CR-762-2023

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

(322)

CR-762-2023

Date of decision: - 13.11.2025

**Nitin Chopra****....Petitioner****Versus****Kewal Aggarwal and others****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Sunil Chadha, Senior Advocate, with  
Mr. Akshay Chadha, Advocate, and  
Ms. Taanvi Dhull, Advocate  
for the petitioner.

Mr. Ajay Mahajan, Advocate, and  
Mr. Mahesh Kumar, Advocate  
for respondent No.1.

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**VIKAS BAHL, J. (ORAL)**

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 21.11.2022 (Annexure P-1) passed by the Civil Judge (Junior Division), Chandigarh, vide which the application filed Order VII Rule 11 by the petitioner/defendant No.1 has been dismissed.

2. Learned senior counsel for the petitioner has submitted that since the petitioner is yet to file the written statement, thus, the petitioner be permitted to withdraw the present revision petition with liberty to raise

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the pleas including the plea of the present suit being barred by limitation in the written statement and has further submitted that in case the said plea is taken, then, the same be considered independent of the observations made in the impugned order.

3. Learned counsel for respondent No.1 has submitted that in case any such plea is taken in the written statement, then liberty be granted to respondent No.1 to file replication to rebut the said plea and the said plea be considered independently by the trial Court at the time of final adjudication of the case.

4. Learned senior counsel for the petitioner has further submitted that the suit is also barred under Section 22E(4) of the Legal Services Authorities Act, 1987 and thus, the plaint deserves to be rejected on the said point also.

5. Learned counsel for respondent No.1 has submitted that neither any such plea was taken by the petitioner in the application under Order 7 Rule 11 CPC nor any such argument was raised before the trial Court and thus, the petitioner cannot be permitted to raise the said plea for the first time before this Court under revisional jurisdiction under Article 227 of the Constitution of India.

6. Learned senior counsel for the petitioner, in view of the said objection, has submitted that the petitioner be permitted to move a fresh application under Order 7 Rule 11 CPC on the said plea.

7. Learned counsel for respondent No.1, in response, has

submitted that in case any such application is filed, then liberty be granted to respondent No.1 to raise all objections as available to them in law.

8. Keeping in view the above-said facts and circumstances, the petitioner is permitted to withdraw the present revision petition with liberty to take up the pleas with respect to the present suit being barred by limitation as well as on the aspect of court fee in the written statement and in case any such pleas are taken, then, the trial Court would consider the said pleas in accordance with law at the time of final adjudication after granting opportunities to both the parties to lead their evidence in support of their respective stands.

9. Liberty is also granted to the petitioner to move an application under Order 7 Rule 11 CPC with respect to the new plea raised by learned senior counsel for the petitioner for rejection of plaint. In case any such application is filed, it would be open to both the parties to raise all pleas in support of their respective stands and the trial Court would decide the same independently, in accordance with law.

**November 13, 2025**  
*naresh.k*

**( VIKAS BAHL )**  
**JUDGE**

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