

CR-3875-2018(O&M) 1

2026:PHHC:017178



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-3875-2018(O&M)

Date of decision : 05.02.2026

Ghanshyam Dass and others

... Petitioners

Versus

Nanu Mal and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Sanjiv Gupta, Senior Advocate with
Mr.Aayush Bansal, Advocate
for the petitioners.

Mr.Jagdish Manchanda, Senior Advocate with
Mr.Nischal Manchanda, Advocate and
Mr. Vipul Thakur, Advocate
for the respondents.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India against the impugned order dated 12.04.2018 passed by the Civil Judge (Jr.Div.), Yamuna Nagar at Jagadhri, vide which the application under Order 7 Rule 11 CPC filed by the petitioners has been rejected.

2. Learned senior counsel for the petitioners has submitted that earlier also the respondents had filed a civil suit no.53 of 24.02.2006 with respect to the substantial portion of the suit land. It is further submitted that



the sale deed which is now sought to be challenged in the present suit was also challenged in the same. It is submitted that since the petitioners are yet to file written statement, thus, the petitioners be permitted to withdraw the present petition with liberty to raise all pleas including the plea of maintainability, limitation and res judicata in the written statement and in case the said pleas are raised, the trial Court be directed to decide the same independently in accordance with law de hors of the observations made in the impugned order.

3. Learned senior counsel for the respondents has submitted that in such a case even the respondents be granted liberty to raise all the pleas during the course of trial.

4. Keeping in view the above said facts and circumstances and the fair stand taken on behalf of the petitioners as well as the contesting respondents, the petitioners are permitted to withdraw the present petition with liberty to raise all the pleas including the plea of maintainability, limitation and res judicata in the written statement to be filed by the present petitioners. In case the said pleas are taken in the written statement, then the said pleas including all the other pleas would be considered by the trial Court independent of the observations made in the impugned order and it would be open to both parties to lead all evidence in support of said pleas.

(VIKAS BAHL)
JUDGE

February 05, 2026.
Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No