



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

SAO No.13 of 2022 (O&M)

Date of Order:28.04.2025

**Roop Ram**

**.Appellant**

**Versus**

**Parveen Kumar and others**

**..Respondents**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**Present: Mr. Vikram Singh, Advocate  
Mr. Abhinav Sood, Advocate  
for the appellant.**

**Mr. Roopak Bansal, Advocate  
for respondent no.1.**

**ANIL KSHETARPAL, JUDGE (Oral)**

1. Defendant no.1, assails the correctness of the First Appellate Court's order remitting the matter back to the trial court for fresh decision.

2. In substance, the trial court dismissed the suit on the ground that the second suit is not maintainable because the first suit was dismissed in default under Order IX Rule 8 CPC. The First Appellate Court has found that it was not appropriate for the trial court to dismiss the suit only on this ground because the pleadings and the order passed in the previous suit have not been exhibited. Hence, they could not be taken into consideration. Moreover, the court found that the plaintiff has also filed an application for additional evidence who wants to produce some relevant documents. The court also held that the trial court has erred in dismissing the suit without recording a finding on the merits of the case.

3. This Bench has heard the learned counsel representing the



parties at length and with their able assistance perused the paper book.

4. The learned counsel representing the appellant submits that though the pleadings in the previous suit and the order passed have not been produced, however, it is for the plaintiff to disclose the facts.

5. This court has considered the submissions of the learned counsel representing the parties.

6. The objection of the defendant that the suit filed by the plaintiff was not maintainable can be considered only after the pleadings and order passed in the previous suit are produced. Moreover, the First Appellate Court has only remitted the matter back to the trial court for fresh decision.

7. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

8. Dismissed.

9. All the pending miscellaneous applications, if any, are also disposed of.

**(ANIL KSHETARPAL)**  
**JUDGE**

**April 28, 2025**

**nt**

**Whether speaking/reasoned : Yes/No**

**Whether reportable : Yes/No**