



115

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

CR-944-2025

Date of decision: 15.02.2025

Satinderpal Kaur and another

...Petitioners

Versus

Puneet Leekha and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. P.S. Khurana, Advocate for the petitioners.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 05.11.2024 (Annexure P-1) passed by the Civil Judge (Senior Division), Patiala whereby the application filed by the petitioners under Order 7 Rule 11 CPC has been dismissed.

2. Learned counsel for the petitioners has submitted that in the impugned order (Annexure P-1), while rejecting the application, the trial Court had observed that one of the agreements to sell had been executed through Jawinder Singh-defendant No.4 being the attorney of defendant Nos.1 to 3. It is submitted that the said observations are factually incorrect inasmuch as a perusal of the said agreement, which has been annexed as Annexure P-5-A/T along with the present revision petition, would show that it is Jawinder Singh who is the owner of the property and in fact, defendant Nos.1 to 3 are the power of attorney holders of Jawinder Singh. It is further submitted that one of the objections raised by the respondents-plaintiffs,



which had been noticed in para 3 of the impugned order, is that the suit could not be barred even when there is mis-joinder of parties and cause of action and has further submitted that the objection with respect to mis-joinder of parties and cause of action had already been taken by the petitioners in their written statement and thus, he seeks permission of this Court to withdraw the present revision petition with liberty to the petitioners to raise all the pleas which have been raised in the written statement and are available to them, during the course of arguments before the trial Court, in accordance with law.

3. Keeping in view the above said facts and circumstances, the present revision petition is dismissed as withdrawn with liberty to the petitioners to raise all the pleas which have been raised in the written statement including the plea of mis-joinder of parties and mis-joinder of cause of action and as are available to them, during the course of trial, in accordance with law.

4. Needless to clarify that the observations made in the impugned order are only for the purpose of rejecting the application filed under Order 7 Rule 11 CPC and the pleas raised by the petitioners in their written statement would be considered independently after hearing both the parties and after considering the entire evidence on record at the stage of final adjudication.

15.02.2025

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No