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

CR-7222-2023 (O&M)
Date of decision: 17.03.2025

Jaipal

...Petitioner

Versus

Satish

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

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 10.10.2023 (Annexure P-5) passed by the Additional District Judge, Gurugram and order dated 31.05.2022 (Annexure P-3) passed by the Civil Judge (JD), Gurugram vide which an application of the respondent under Order 39 Rules 1 and 2 CPC has been allowed.

2. Learned counsel for the petitioner has submitted that in the impugned order, while deciding application filed under Order 39 Rules 1 and 2 CPC, the observations have been made which would affect the decision in the main case. It is submitted that since the suit is of the year 2022, at this stage the petitioner would be satisfied in case he is permitted to raise all the pleas before the trial Court at the stage of final arguments but however the decision of the trial Court should be de hors of the observations which have been made in the impugned order.



3. It is a matter of settled law that the observations made in the order while deciding an application filed under Order 39 Rules 1 and 2 CPC are only for the purpose of deciding the said application and the main suit is to be decided by the trial Court independent of the said observations.

4. Keeping in view the above said facts and circumstances and limited prayer made by learned counsel for the petitioner, the present revision petition is disposed of granting liberty to the petitioner to raise all the pleas which are available to him during the course of trial and the trial Court is directed to decide the main suit after taking into consideration the pleadings and evidence of the parties concerned de hors of the observations which have been made in the impugned order which are only for the purpose of disposing of the application under Order 39 Rules 1 and 2 CPC.

5. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

17.03.2025

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No