

Delhi Wakf Board

Vs

Jagdish Kumar Narang and Others

Civil Appeal No. 680 of 1997

(B. P. Jeevan Reddy, K. S. Paripoornan JJ)

07.02.1997

ORDER

1. Special leave granted.
2. Heard the counsel for the parties.
3. The plaintiff/appellant had filed a suit earlier which was rejected under Order VII Rule 11. That was in the year 1984. In the year 1986 he filed a fresh suit on the same cause of action. The second suit has been dismissed by the trial court as barred by the order rejecting the plaint in the earlier suit. An appeal preferred against that order has been dismissed by the High Court. In our opinion the Courts below were not right in holding that the present suit is barred by virtue of the order rejecting the earlier suit.
4. Order VII Rule 13 reads as under :

"13. Where rejection of plaint does not preclude presentation of fresh plaint. - The rejection of the plaint on any of the grounds hereinbefore mentioned shall not of its own force preclude the plaintiff from presenting a I fresh plaint in respect of the same cause of action."
5. In view of the said clear rule, we hold that the present suit is not barred by the earlier order rejecting the plaint in the earlier suit. We express no opinion on any other question. The trial court may consider the expeditious disposal of the suit according to law. The appeal is allowed accordingly. No costs.