

**CR-3473-2015 (O&M)**

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

**CR-3473-2015 (O&M).**

**Decided on: May 27, 2015.**

**M/s Divya Agro Service and others**

**..... Petitioner(s)**

**Versus**

**M/s Mahindra and Mahindra Limited**

**..... Respondent(s)**

**\* \* \***

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI**

**PRESENT Mr.Madhav Pokhrel, Advocate,  
for the petitioner.**

**M.M.S. BEDI, J (ORAL).**

Vide impugned order dated 18.2.2015, an application filed by the defendant- petitioners under Order VII Rule 11 CPC, for dismissal of the suit for recovery filed by the plaintiff-respondent has been dismissed. The defendant- petitioners had filed the application under Order VII Rule 11 CPC claiming that the Civil Courts at SAS Nagar, has no territorial jurisdiction; no cause of action has accrued to the plaintiff-respondent within the jurisdiction of the civil Court at SAS Nagar; there is no privity of contract between the parties; and the suit was barred by limitation as the last transaction between the parties was made on 16.4.2008. The trial Court has dismissed the application on the ground that the evidence is required to be obtained before decision is taken on the pleas raised in application under Order VII Rule 11 CPC.

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I have heard the learned counsel for the petitioner and carefully gone through the impugned order and the pleadings. I am of the opinion that the pleas raised by the defendant- petitioners are mixed questions of law and fact which require an adjudication on merits.

Finding no ground to interfere in the impugned order, the petition is dismissed. However, it is observed that nothing said in this order will prejudice the rights of the defendant- petitioners to raise all the pleas and establish the same to defeat the rights of the plaintiff for the alleged recovery of amount.

**May 27, 2015.**  
**rka**

**(M.M.S. BEDI)**  
**JUDGE**