

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.3868 of 2013
Date of decision: 29.9.2015

Har Bhagwan Chhabra

..... Petitioner

Versus

Arya Samaj, Shahabad (M) and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Munish Gupta, Advocate for the petitioner.

Mr. Amit Jain, Advocate for respondents No.1 and 2.

ARUN PALLI, J. (Oral)

Vide order being assailed dated 16.05.2013 (Anneuxure P-4), rendered by Addl. District Judge, Kurukshetra, application moved by defendant No.29, to dismiss the suit on the ground of jurisdiction and maintainability, has since been dismissed.

In an application moved by the petitioner, it was mentioned that the suit filed by the plaintiffs was liable to be dismissed for want of jurisdiction and maintainability, plaintiffs had claimed that in the year 1917 Arya Smajis of Shahabad Town had formed a Society and, thus, in view of the provisions of Sections 88 and 89 of the Haryana Registration and Regulation of Societies Act 2012 (for short 'the Act'), the suit filed by the plaintiffs was not maintainable and jurisdiction of the Civil Court was barred.

During the course of hearing, learned counsel for the parties have reached a consensus that let the revision petition be disposed of with an observation that the trial Court shall frame an issue as regards the maintainability as also the jurisdiction of the Civil Court to try the suit.

That being so, the revision petition is disposed of with an observation that the trial Court, while framing the issues, shall also frame an issue as regards the maintainability as also the jurisdiction of the Civil Court to try the suit. And the same shall be decided in accordance with law.

Needless to assert, neither this order nor the order dated 16.05.2013, shall constitute any expression of opinion on the merits of the claim of either parties as regards the proposed issue.

September 29, 2015

Manoj Bhutani

**(ARUN PALLI)
JUDGE**