

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 419 of 2014

Date of decision : December 18, 2015

M/s Raghav Industrial Products and another

..... Petitioner

Versus

Sanjay Aggarwal

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Deepak Basatia, Advocate
for the petitioner.

None for the respondent.

1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

Amit Rawal, J (oral).

The petitioner-defendant is aggrieved of the order dated 25.9.2013 whereby the application filed under Order 7 Rule 11 for rejection of the suit has been declined.

Learned counsel appearing on behalf of the petitioner-defendant submits that the application aforementioned, was filed on two counts; one that the ad valorem court fee claiming damages was not paid and secondly the court at Yamuna Nagar did not have jurisdiction. Notice of motion was issued by this Court on 21.1.2014. This court has been apprised of the fact that the suit had reached the stage of arguments.

Without commenting on the merits and de-merits of the case, I do not intend to interfere with the finding rendered by the trial court declining the application under Order 7 Rule 11 CPC. The petitioner must have taken such an objection in the written statement and thus would be at liberty to seek issue on that.

The question of court fee and territorial jurisdiction is mixed question of fact and law. But since the suit is at the stage of arguments it would be futile to ponder on such point/submission.

I do not find any illegality and perversity in the impugned order and the same cannot be said to have been passed without jurisdiction.

The revision petition is devoid of merits. Accordingly the same is dismissed.

(AMIT RAWAL)
JUDGE

December 18, 2015
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