

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 5135 of 2015
Date of decision : August 20, 2015

Tej Pal

..... Petitioner

Versus

Babu Khan and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Lekh Raj Sharma, Advocate
for the petitioner.

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 challenge in the present petition is to the order dated 14.7.2015 whereby the application under Order 7 Rule 11 CPC has been dismissed.

Learned counsel for the petitioner submits that the civil court did not have jurisdiction as suit property is Wakf property and thus jurisdiction lies else where.

He further submits that the finding rendered by the trial court in dismissing the application is wholly erroneous and suffers from infirmity and illegality as it was never the case of the petitioner for not pressing the application.

I have heard learned counsel for the petitioner and perused the paper book.

No doubt that the application under Order 7 Rule 11 CPC can be filed at any stage of the suit but from the contents of the application filed, an objection has been taken that the court had no jurisdiction.

The issues have already been framed. Parties will be at liberty to lead evidence on the issue of jurisdiction and viz-a-viz argument that the property is Wakf property. The Wakf board is not a party nor had moved any application to be impleaded as a party. The question whether the property is Wakf or not can only be ascertained after the parties to the */is* lead any evidence.

There is no merit in the revision petition. The same is accordingly dismissed.

(AMIT RAWAL)
JUDGE

August 20, 2015
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