

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

**CR No.7145 of 2015**

**Date of Decision: November 17, 2015**

**M/s Om Power Projects**

**.... Petitioner**

**vs.**

**Yashwanti Devi and others**

**.... Respondents**

**CORAM: HON'BLE MR. JUSTICE KULDIP SINGH**

**Present:** Mr. Kartar Singh Malik, Advocate for the petitioner.

1. *Whether Reporters of Local Newspapers 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?*

**Kuldip Singh J.(Oral)**

Impugned in the present revision petition is the order dated 30.07.2015 (Annexure P-4) passed by learned Civil Judge (Jr. Divn.), Rohtak, vide which the separate applications filed by defendant Nos.3, 6 and 7 under Order VII, Rule 11 CPC, were dismissed.

The present petitioner-defendant no.3 filed an application that the jurisdiction of civil court is barred as it is a motor vehicular accident. Therefore, the plaint should be rejected. The lower court has taken the view that in the FIR, there is no mention of the offending vehicle. The lower court has also taken the view that there is negligence on the part of the person, who was handling the pole, which was suspended from the crane.

In these circumstances, it will be a question of fact whether the alleged incident is covered under the Motor Vehicles Act, 1988 or is a tort and actionable under the civil law?

It being so, there is no ground to reject the plaint on the ground that the matter is covered under the Motor Vehicles Act, 1988.

The petitioner, if so advised, can take this plea in the written statement. The lower court shall frame the issue and decide the same on merits.

Hence, the present revision petition stands dismissed.

**November 17, 2015**  
sarita

**(KULDIP SINGH)**  
**JUDGE**