

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 7264 of 2013 (O&M)
Date of Decision : 12.02.2015

Arvind Pal Singh

....Petitioner

Versus

Sahib Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

Present: Mr. Varun Katyal, Advocate
for the petitioner.

Mr. Kawaljyot Singh, Advocate
for the respondent.

R.P. Nagrath, J. (Oral)

Challenge in the instant petition is to the order dated 16.09.2013 (Annexure P-6), passed by the trial Court whereby application under Order VII Rule 11 of the Code of Civil Procedure (CPC), has been rejected.

After having heard learned counsel for the parties at considerable length, I am of the view that order of the trial Court is perverse and patently wrong.

Without there being any material on record, learned trial Court has made the observations to attract the jurisdiction of the Courts at Patiala. Learned trial Court has not referred to the pleadings of the plaintiff for finding how the matter fell within the territorial jurisdiction of the Courts at Patiala. The subsequent event of surrender of the petitioner as an accused in the Courts at Patiala or that any compromise was reached between them in the criminal case relating to bouncing of the cheque at Patiala, cannot confer

jurisdiction of the Civil Court. For the purpose of territorial jurisdiction, the allegations in the plaint obviously have to be only looked into. The cause of action for invoking territorial jurisdiction of the Courts at Patiala are stated in para No. 13 of the plaint (Annexure P-4), but these facts have not been discussed by the trial Court, in the light of Section Section 20 of the Code of Civil Procedure. The cheques in question are drawn on State Bank of Patiala, Chandigarh.

In view of the aforesaid discussion, the instant petition is allowed and the impugned order dated 16.09.2013 (Annexure P-6) passed by the trial Court is set aside with a direction to the trial Court to decide the application under Order VI Rule 17 CPC afresh and in accordance with law. The parties are directed to appear before the trial Court on 09.03.2015.

The observations made in this order shall have no bearing on the merits of the application to be decided by the trial Court.

February 12, 2015
jk

(R.P. NAGRATH)
JUDGE