

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

**CR No. 941 of 2014(O&M)
Date of decision: 17.12.2015**

Gurdev Singh and another

... Petitioners

versus

Labh Singh Gill

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. R.S. Hooda, Advocate for the petitioners.

Mr. Amit Jain, Advocate for the respondent.

K.Kannan, J.

The property which was stated to be urban property to which the provisions of the Rent Act was applicable according to the defendant was stated by the plaintiff as not falling within the area notified for applicability of the Rent Act. The Court has stated that it will be a matter of evidence and dismissed the application for rejection of the plaint. Even while upholding the order, I direct the Court below to frame preliminary issue as regards the maintainability of the suit and allow for parties to let in evidence only as regards the jurisdiction and take the decision in accordance with law. The issue of whether the suit will progress further will depend on the decision on the preliminary issues.

The civil revision petition is disposed of with above direction.

**(K.KANNAN)
JUDGE**

17.12.2015

kv