

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 1327 of 2016 (O&M)
Date of decision : February 23, 2016

Krishan Parbhakar

..... Petitioner

Versus

Jaibir Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Arun Jain, Senior Advocate with
Mr. Ravi Gakhar, 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 petitioner-defendant is aggrieved of the dismissal of the application filed under Order 7 Rule 11 CPC vide which the suit of the respondents-plaintiffs was sought to be rejected on the ground that civil court did not have jurisdiction in view of provisions of Sections 102 and 128 of Haryana Cooperative Societies Act, 1984.

Mr. Arun Jain, learned Senior Advocate assisted by Mr. Ravi Gakhar, Advocate submits that the suit has been very cleverly drafted by giving wrong dimension, though there is a reference in paragraph 2, of the written statement that society had purchased the property from plaintiff No.2 who committed a fraud

with the society. The respondents-plaintiffs have concealed the factum of cancellation of plot and membership and same has not been challenged. The courts below have dismissed the application on a flimsy and fallacious ground which is not sustainable in the eyes of law, thus, there is illegality and perversity in the impugned order.

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

During the course of arguments, it has been brought to the notice of the court that the suit has reached the final stage. The petitioner-defendant has taken stand in a representative capacity and issues must have been framed, the petitioner shall be at liberty to take all the pleas at the time of arguments viz-a-viz non-maintainability of the suit.

With the aforementioned observations, 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 disposed of.

(AMIT RAWAL)
JUDGE

February 23, 2016
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