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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-2000-2016

Date of Decision : March 17th, 2016

Smart Tec Industries

.... Petitioners

Versus

M/s Ganesh Rice & General Mills

.... Respondent

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

1. Whether Reporters of local papers may be allowed to see the judgment? Yes
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest? Yes

Present Mr. Rajesh Gupta, Advocate,
for the petitioners.

SHEKHER DHAWAN, J.

Present revision petition under Article 227 of the Constitution of India for setting aside order dated 17.04.2015 [Annexure P/3] whereby application under Order VII Rule 11 CPC for rejection of the plaint was dismissed.

2. Learned counsel for the petitioners submitted that the Court below has not considered the fact that no cause of action had accrued to the plaintiff at Jagraon and as such, Jagraon Court has no jurisdiction to entertain the suit. More so, the plaintiff failed to produce any document that the said firm was a registered firm.

3. Having considered the submissions made by learned counsel for the petitioners and after going through the file, this Court is of the view that the Court below has rightly taken the view that the present application is

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not maintainable at this stage because the same requires evidence which is yet to be adduced in the present litigation. The cause of action consists of a bundle of facts and that certainly requires leading of evidence. That way, the order passed by the Court below, dated 17.4.2015 [Annexure P/3] does not call for any interference.

4. The present petition stands dismissed as not maintainable at this stage.

(SHEKHER DHAWAN)
JUDGE

March 17th, 2016
som/mohan