

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

C.R. No. 5327 of 2016

Date of decision : 22.08.2016

Krishna Devi & anr.

....Petitioners

V/s

Dhani Ram

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sandeep Panwar, Advocate for the petitioners.

RAJAN GUPTA J.

Present revision petition is directed against order dated 12.05.2016 passed by Civil Judge (Junior Division) Naraingarh whereby he has dismissed the application under Order 7 Rule 11 seeking rejection of plaint.

Learned counsel for the petitioners has assailed the order. According to him, issue involved could be decided by invoking provisions of Punjab Security of Land Tenure Act, 1953. The trial court has, thus, erred in rejecting the application.

I have heard learned counsel for the petitioners.

It appears that plaintiff filed a suit for possession as owner of land measuring 6 kanal 0 marla situated in the revenue estate of village Bari Rasaur , Tehsil Naraingarh, District Amabala with consequential relief of recovery of ₹51,183/- as mesne profits. During the pendency of suit, instant application under Order 7 Rule 11 CPC was moved for rejection of the plaint on the ground that there exists relationship of landlord and tenant between plaintiff and defendants. Thus, civil court has no jurisdiction to entertain the

plea. Prayer has been rejected by the court below observing that none of the Act bars the jurisdiction of the civil court. I find no infirmity with the order. Pleas raised by petitioners can only be decided after some evidence comes before the court. Present petition is without any merit and is hereby dismissed.

August 22, 2016

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No