

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

CR No. 5021 of 2016

Date of Decision: 04.07.2017

GULAB

-PETITIONER

VS

RAMANAND AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sunny Bhardwaj, Advocate,
for the petitioner.

Mr. Mani Ram Verma, Advocate,
for respondents No.1 and 2.

Mr. P.S. Rana, AAG, Haryana.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner has assailed order dated 11.03.2016 passed by Civil Judge (Junior Division), Bhiwani vide which prayer in terms of Order 7 Rule 11 (d) CPC for rejection of plaint on the ground of jurisdiction of the civil Court was dismissed.

Plaintiff has challenged the impugned orders dated 18.04.2013 and 14.10.2013 on the ground of nullity. Plaintiff has claimed that the impugned orders in the Civil Court were passed in violation of provisions of the Act without affording any effective opportunity of being heard to the plaintiff. The requirement of law in terms of Order 7 Rule 11 CPC is to see the averments of plaint at this stage. The plea of lack of

jurisdiction can be effectively adjudicated by way of seeking framing of preliminary issue at the relevant stage for which both the parties can lead the evidence and the Court can comment upon the legality and propriety of the issue involved in the case.

In view of above, I am not inclined to interfere in this revision petition.

Accordingly, the revision petition is dismissed. However, petitioner would be at liberty to move appropriate application before the trial Court on framing of preliminary issue. In the event of filing such an application, the trial Court would be obligated to decide the same in accordance with law.

04.07.2017
 jyoti Y.

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No