

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CR No.5277 of 2016
Date of Decision:22.9.2017**

Vivek Aggarwal and another

...Petitioners

Versus

Anil Kumar Gupta and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Rajesh Gupta, Advocate for the petitioners.
Mr.Varun Garg, Advocate for respondent No.1.

RAMESHWAR SINGH MALIK, J. (Oral)

Instant civil revision petition, at the hands of defendants, filed under Article 227 of the Constitution of India, is directed against the order dated 25.5.2016 (Annexure P-4), passed by the learned trial court, whereby their application under Order 7 Rule 11 of the Code of Civil Procedure ('CPC' for short) was dismissed.

Notice of motion was issued.

Heard learned counsel for the parties.

It is a matter of record that daughter of the plaintiff-respondent was married with petitioner No.1. She died her untimely and unnatural death. The plaintiff got an FIR registered against the defendants-petitioners. He also filed the present suit for mandatory injunction. Defendants-petitioners filed an application under Order 7 Rule 11 CPC, seeking rejection of the plaint on the ground of jurisdiction, which was rightly dismissed by the learned trial court by passing the impugned order. Having said that, this Court feels no hesitation to conclude that the learned trial court was well within jurisdiction to pass the impugned order and the same deserves to be upheld.

No prejudice of any kind, whatsoever, has been caused to the defendants-petitioners by passing the impugned order. The relief claimed by the petitioners was not found covered under Order 7 Rule 11 CPC. Under

these undisputed facts and circumstances of the case, it can be safely concluded that the learned trial court committed no error of law, while passing the impugned order and the same deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioners could not point out any patent illegality or perversity in the impugned order, which may warrant interference, at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. The impugned order is supported by sound reasons, because of which no fault can be found with it and the same deserves to be upheld, for this reason as well.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the instant civil revision petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the above-said observations made, the present civil revision petition stands dismissed, however, with no order as to costs.

22.9.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No