

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.5526 of 2016 (O&M)
Date of Order: 09.11.2017

Lala Ram and others

..Petitioners

Versus

Yashpal and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sachin Mittal, Advocate,
for the petitioners.

Mr. Jaivir Yadav, Advocate,
for the respondents.

ANIL KSHETARPAL, J (Oral)

Defendants-petitioners are in revision petition against the order dated 09.08.2016, passed by the learned Civil Judge (Jr. Division), Gurgaon, dismissing the application under Order 7 Rule 11 of the Code of Civil Procedure.

Counsel for the petitioners has vehemently submitted that in view of the provision of Section 10 of the Haryana Dohlidar, Butimar, Bhondedar and Muqararidar (Vesting of Proprietary Rights) Act, 2010, the order passed by the authorities is final and no Court has jurisdiction to call in question the aforesaid order.

Learned trial Court has dismissed the application on the ground that at the time of adjudication of an application filed under Order 7 Rule 11 of the Code of Civil Procedure, only the assertions made in the plaint are to be seen and the order, which is now sought to be projected as a defence and bar to the jurisdiction of the Civil Court, is not part of the plaint.

Taking into consideration the aforesaid facts, the revision petition is disposed of with a direction to the learned trial Court to frame a preliminary issue on the question of jurisdiction and adjudicate upon the same in accordance with law.

November 09, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No