

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

Civil Revision no.2446 of 2018
Date of Decision:02.08.2018

Punjab Gramin Bank, earlier known as Gurdaspur-
Amritsar Kshetriya Gramin Vikas Bank.

.....Petitioner

Vs.

Paramjit Singh and another

....Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.R.S.Bhatia, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (Oral)

By this petition the petitioner bank has challenged the order of the Civil Judge (Jr.Divn.), Amritsar, dated 09 October, 2017, whereby that Court had declined to treat the issues of jurisdiction of the Court and limitation in the filing of the suit by the respondent/plaintiff, as preliminary issues.

Notice of motion having already been issued in this petition on 18.04.2018, Mr.Kushagra Mahajan, Advocate, appears for the respondent/plaintiff (respondent no.1) and has submitted that since the office of respondent no.2 herein (defendant no.2 before the Civil Court) is located at Amritsar, the Court at Amritsar would have jurisdiction.

Learned counsel for the petitioner (defendant no.1) on the other hand submits that no cause of action whatsoever has arisen at Amritsar and therefore, jurisdiction does not lie at Amritsar, as even the head office of the petitioner/defendant no.1 is at Kapurthala.

As regards the issue of limitation, learned counsel for respondent no.1 submits that it being a mixed question of fact and law (as contended), it can not simply be treated as a preliminary issue, and needs to be decided as a “regular issue” alongwith other issues to be adjudicated upon.

Having considered the above, as regards the issue on limitation, I agree with learned counsel for the respondent no.1/plaintiff that the said issue may be taken up at the time when all other issues are considered and adjudicated upon by the trial Court; but as regards the issue of jurisdiction, it most certainly is a preliminary issue and shall be treated as such by that Court.

Consequently, the impugned order is set aside to the extent that the Court refused to entertain the issue on jurisdiction as a preliminary issue, with the trial Court directed to do so and to adjudicate upon the same as a preliminary issue, wholly on merits.

Disposed of.

Since the case before the trial Court is stated to be listed on 06.08.2018, a copy of this order be given to learned counsel for the parties under the signatures of the Bench Secretary.

(AMOL RATTAN SINGH)
JUDGE

August 02 2018.
dharamvir

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO