Sanjiv Kumar Sharma
2018.02.08 16:33
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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 748 of 2018 (O/M)
Date of decision : 5.2.2018

M/s Kalsi Brothers and others ..... Petitioners

Versus

Sharafat Ali ..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. A.K. Sagar, Advocate, for petitioners.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

Impugned in present revision is order dated 27.11.2017, passed by learned Civil Judge (Junior Division), Chandigarh, vide which an application filed by defendants-petitioners under Order 7 Rule 11 of Civil Procedure Code, 1908, was dismissed.

Heard.

In the application, it was claimed that no cause of action arose at Chandigarh. Therefore, plaint should be rejected.

I am of the view that grounds for rejection of a plaint are enumerated in Order 7 Rule 11 CPC, 1908. Where territorial jurisdiction of Court is disputed, it is not covered under Order 7 Rule 11 CPC, 1908. The lower Court has already take the view that question regarding territorial jurisdiction of Chandigarh is a mixed question of fact and law. This being so, present revision is found to be frivolous and is dismissed.

(KULDIP SINGH)
JUDGE

5.2.2018
sjks

Whether speaking / reasoned : Yes / No
Whether Reportable : Yes / No