

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

**CR No.4788 of 2017 (O&M)
Date of Decision:-09.12.2019**

Anu Sood ...Petitioner
Versus

Veena Sahi and others ... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:- Mr. Sanjeev Patiyal, Advocate
for the petitioner.

Mr. Namit Gautam, Advocate,
for respondent No.1.

Mr. Sushil Sharma, Advocate,
for respondent No.2.

Mr. B.B. Bagga, Advocate,
for respondent No.3.

RAJ MOHAN SINGH, J.(Oral)

This revision petition has been preferred against the order dated 5.5.2017 passed by Civil Judge (Jr. Divn.), Ludhiana vide which the application filed by defendant-petitioner under Order 7 Rule 11 CPC for rejection of plaint was dismissed.

The plaintiff filed a suit for possession, permanent injunction and recovery of mesne profit. The Trial Court, while rejecting the application in question, has recorded a fact that as per defendant No.4, she is the subsequent purchaser of the suit

land which was sold by defendant No.2 in the proceedings arising out of Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002. A question of title is involved in the case as the proceedings initiated by the bank has been concluded. Property of defendant No.1 was sold by the bank in public auction to defendant No.3, who in turn further sold the same to defendant No.4. The suit has been filed by the plaintiff on the premise that defendant No.1 at the first instance had no title with him and the question of title can only be decided by the Civil Court. After filing of the suit, the suit has already reached the stage of plaintiff's evidence after framing of issues. One of the issue is in respect of the jurisdiction of the Civil Court.

In view of observations made by the Trial Court, it would not be just and appropriate to interfere at this stage, however, the petitioner would be at liberty to press the issue of jurisdiction and maintainability of the suit at an appropriate stage and take recourse to lawful proceedings thereafter.

The petition stands disposed of accordingly.

09.12.2019

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**(Raj Mohan Singh)
Judge**

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No