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

CR No. 2364 of 2019 (O&M)
Date of Decision: 08.04.2019

Principal Officer, A.G. Punjab (Principal Accountant General
(A&E), Punjab

-Petitioner

Vs

Sanjay Kumar and another

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Barjesh Mittal, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

1. Petitioner-defendant No.2 has preferred this revision petition against the order dated 09.07.2018 passed by Civil Judge (Junior Division), Chandigarh, rejecting the application under Order 7 Rule 11 CPC.

2. Plaintiff filed a suit for declaration to the effect that plaintiff is Class-I legal heir of late Sompal and is entitled to get retiral benefits of his deceased father to the extent of ½ share. He also sought permanent injunction restraining defendant No.1 from forcibly dis-possessing the plaintiff from the house in question and also sought mandatory injunction against the petitioner not to release the retiral benefits of his deceased father in favour of defendant No.1.

3. Very nature of prayer/relief claimed in the suit would show that triable issues are involved in the case. There cannot be any split in cause of action to the extent of relegating the plaintiff to approach Central Administrative Tribunal qua relief of mandatory injunction and to maintain the suit qua declaration and permanent injunction.

4. Even otherwise, 'jurisdiction' in the facts and circumstances of the case would give rise to mixed question of law and facts and indulgence cannot be granted at the stage of Order 7 Rule 11 CPC.

5. This revision petition is found to be totally devoid of merits and the same is accordingly, dismissed.

08.04.2019

Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No