

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

**CR No.2525 of 2019 (O&M)  
Date of Decision : 29.08.2019**

Chaman Lal

.....Petitioner

Versus

Tajinder Kumar and another

.....Respondents

**CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present : Mr. Naresh Kaushik, Advocate  
for the Petitioner.

**SUDIP AHLUWALIA, J. (ORAL)**

**CM No.17121-CII of 2019**

For the reasons mentioned in the application, the Applicant/  
Petitioner is permitted to place on record the document (Annexure P-3),  
subject to all just exceptions.

Applications stands disposed off.

**CR No.2525 of 2019**

This Revision Petition is directed against the impugned  
Order dated 15<sup>th</sup> January, 2019 passed by the Ld. Civil Judge (Senior  
Division), NRI Court, Jalandhar, vide which the Application of the  
Petitioner/Defendant seeking rejection of the Plaint, under Order 7  
Rule 11 of the Civil Procedure Code, was dismissed.

2. The concerned Application is on record as Annexure P-4.

The substance of the grounds, on which the rejection of the Plaint was sought for, has been detailed in Para No.10 of the same, which is set out as below :-

*“10. That the present suit filed by the plaintiff has no hope of it's succeeding on the basis of being hit by law of limitation. The cause of action mentioned in the paragraph no.8 of the plaint has no basis. The Hon'ble High Court at Chandigarh had given the finding that the matter involved in the FIR no.9 that has been quashed is of Civil nature and the said finding has been misinterpreted by the plaintiff. The Court has not given finding that the complainant/ plaintiff should file civil suit. The Hon'ble High Court, Chandigarh in the quashing proceedings has not condoned the limitation in any manner. Furthermore at the time of pendency of the quashing proceeding no civil litigation based on the subject matter of the present suit was pending between the parties.”*

3. As can be seen from the entire contents of the relevant paragraph, it has been mentioned first of all that the Suit is barred by law of limitation. It has, however, not been described on what basis the bar of limitation has been urged since there is no reference to either the cause of action as disclosed in the original Plaint nor the basis on which the Petitioner from his side could make out as to from which date the cause of action is to be considered as having accrued.

4. It has been further made out that the Criminal Proceedings

in the form of an FIR No.9 dated 21<sup>st</sup> January, 2012, under Sections 406/420 IPC of Police Station Adampur, were quashed by this Court by holding that the dispute was of Civil nature, but the Court had not given any finding that the Respondent/Plaintiff could file a Civil Suit.

5. Clearly the mandate, in those circumstances, for the Court was to consider “whether or not any Criminal Proceedings which were the subject matter of challenge, were actually sustainable or not”. There was never any requirement for the Court exercising its criminal jurisdiction to suggest or authorize the parties to go in for civil litigation. Furthermore, it is not clear as to how pendency of any previous Civil Proceedings would have been relevant for the purpose of determining maintainability of the Suit now filed by the Respondent/Plaintiff.

6. For the aforesaid reasons, this Court finds no substantive merit in the present Petition, which is accordingly dismissed.

**August 29, 2019**

**Dpr**

**(SUDIP AHLUWALIA)  
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No