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

**CR-8485-2018 (O&M)
Date of Decision: 22.07.2019**

Haryana Tourism Department, Sohna, Tehsil Sohna, District Gurgaon

..... Petitioner

Versus

Daya Chand and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Pawan Kumar Jhanda, AAG, Haryana,
for the petitioner-State.

SUDIP AHLUWALIA J. (ORAL)

CM-15014-CII-2019

Applicant-petitioner is permitted to place on record the documents Annexures P-1 and P-2 being copies of the order dated 28.03.2017 and the plaint filed on behalf of the respondents on 27.03.2017, respectively.

Application stands disposed off.

CR-8485-2018 (O&M)

Heard Ld. Counsel for the petitioner-Department. Considered.

2. This revision petition is directed against the order passed by the Ld. Additional Civil Judge (Senior Division), Sohna, Gurgaon on 13.08.2018, vide which an application filed, on behalf of the petitioner-Department, which is defendant in the original suit, under Order VII, Rule 11 read with Section 151 CPC, was dismissed.

3. It was contended on behalf of the petitioner in its application that the suit of the plaintiffs-respondents was not maintainable being barred

under Sections 4 and 5 of the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972. The Ld. Court below, however, found no merit in the application since it was of the view that in their suit, the respondents had not challenged any proceedings before the competent authority under the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972, and that they had only been challenging the demarcation report, allegedly, prepared at the behest of the petitioners.

4. Even assuming that the plaintiffs-respondents might have willfully suppressed anything about such proceedings in their plaint, the fact remains that the plaint could not have been rejected outright on the basis of the defence put forward on behalf of the petitioner in which a number of factual questions would be involved such as whether or not, there was any concealment on the part of the respondents regarding application of the provisions of Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972, to them, and whether or not they were actually parties to such previous proceedings.

5. For the aforesaid reasons, this Court finds no tangible illegality or impropriety in the impugned order passed by the Ld. Court below.

6. Dismissed.

22.07.2019

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No