

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

107

(PROCEEDINGS THROUGH V.C.)

CR-2262-2020

DATE OF DECISION: SEPTEMBER 29, 2020

Satyawan Jangra

.....Petitioner

VERSUS

Nepal Singh

....Respondent

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sanjiv Gupta, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court, impugning order dated 05.03.2020 passed by the Civil Judge (Junior Division), Bawal (Annexure P-5), whereby an application under Order 7 Rule 11 CPC preferred by him for rejection of the plaint, stands dismissed.

It is the contention of learned counsel for the petitioner that no cause of action has been pointed out in the plaint, which would entitle the suit to pursue. It has further been asserted that the trial Court did not have the jurisdiction to try the suit. Further, it has been stated that the respondent-plaintiff does not possess a licence under the Punjab Registration of the Money Lenders Act, 1938 (for short, “the 1938 Act”) and, therefore, the suit deserves to be dismissed at the outset.

I have considered the submissions made by counsel for the

petitioner and on going through the impugned order, the plaint and the written statement, which has been filed, I do not find any ground for interfering with the well reasoned order dated 05.03.2020 (Annexure P-5) passed by the trial Court.

Perusal of the plaint would indicate that the trial Court has taken note of the relevant factors and has proceeded to pass a detailed order with regard to the jurisdiction, cause of action as also with reference to the issue regarding the licence under the 1938 Act, which would not be applicable.

Learned counsel for the petitioner, at this stage, states that liberty may be granted to the petitioner to move an application for treating the issue as a preliminary issue before the trial Court.

Though the liberty as sought by the petitioner is not required to be given by this Court, but if such an application is moved, the trial Court shall consider the same in accordance with law.

With the above observations, the petition stands disposed of.

September 29, 2020
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

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