

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

CR No. 5938 of 2019 (O&M)
Date of Decision: 23.01.2020

Sanatan Dharam Ram Leela Committee (Regd.) Rupnagar

.... Petitioner

Versus

Sushma Khanna and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashok Giri, Advocate
 for the petitioner.

 Mr. Surendra Dheer, Advocate
 for respondent No. 1.

 Mr. Maninder Preet Singh
 for respondent No. 2.

 Mr. Ved Priya Malik, Advocate
 for respondent No. 3.

ANIL KSHETARPAL, J. (ORAL)

The application under Order 7 Rule 11 CPC for rejection of the
plaint has been dismissed by the Court by observing that from the reading of
the plaint, the suit can not be held to be barred by law. Still further, it has
been noticed by the Court that the suit has already made substantive
progress as the plaintiff is about to conclude its evidence.

Learned counsel for the petitioner while referring to para 7 of
the plaint submits that the previous suit filed by the same plaintiff for
permanent injunction was dismissed. He, hence, submits that the present
suit is barred.

This Court has considered submission, however finds no
substance therein. What has been pleaded in para 7 is as under:-

“That the plaintiff filed a Civil Suit No. 31/27.03.2000/02.06.2004 titled Sushma Khanna Versus Sanatan Dharam Sabha & Others for permanent injunction, restraining the defendants from making any sort of interference in the possession of the plaintiff i.e. Sushma Khanna. The said suit was dismissed by the Court of Civil Judge, Junior Division, Rupnagar on 02.11.2004.”

The present suit is for declaration and the prayer made in the suit is as under:-

“It is, therefore, prayed that a decree for declaration may kindly be passed declaring the Sanatan Dharam Sabha is the owner and in possession of the property in dispute and the plaintiff is a tenant under Defendant No. 2 and the plaintiff is in lawful possession of the property measuring 16 Marle 6 Sarsahi fully described in the site plan A,B,C,D out of 7 kanal 18 marle fully described in the site plan A,B,C,D bearing Khewat No. 176/07426 Khatauni No. 1933, Khasra No. 47//6/1(7-18) situated within the municipal limits of Rupnagar, Tehsil and District Rupnagar and for declaration that revenue record from the year 2003-2004 has been wrongly/incorrectly prepared in the name of M.C. Ropar and for permanent injunction, permanently restraining the defendants No. 1 to 3 not to dispossess the plaintiff from the property in dispute and the suit of the plaintiff may kindly be decreed with costs and this Hon'ble Court may grant any other relief which deems fit according to the facts and circumstances of the case.”

The para explaining cause of action in the instant suit reads as under:-

“That the cause of action has arisen to the plaintiff finally when the defendant No. 1 refused to withdraw the petition under Public Premises Act and defendants No. 2

and 3, they also refused to file the title suit in respect of the property in dispute on 20.03.2015 at Rupnagar, when the defendants refused to accede to the requests of the plaintiff within the jurisdiction of this Hon'ble Court and this Hon'ble Court has the jurisdiction to entertain and try this suit.”

Keeping in view the aforesaid facts, this Court does not find any good ground to interfere with the order passed.

Dismissed.

(ANIL KSHETARPAL)
JUDGE

23.01.2020
Maninder

Whether speaking/reasoned	:	Yes
Whether reportable	:	No