

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

CR-939-2021 (O&M)

Date of decision: 09.11.2021

Sangram Singh and others

...Petitioners

Versus

Manka Ram and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.K.P.Singh, Advocate for the petitioners

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Defendant no. 3 to 7 in a suit for grant of decree for declaration to the effect that the order dated 27.06.2018 passed by the prescribed authority under the Haryana Ceiling on Land Holdings Act, 1972, have assailed the correctness of the order passed by the trial court while dismissing their application under Order 7 Rule 11 of Civil Procedure Code, 1908, to reject the plaint. Learned counsel representing the petitioners contends that the respondents have already filed an appeal assailing the correctness of the order passed by the prescribed authority on 27.06.2014. Thus, the plaintiffs have resorted to the parallel remedies. He further contends that the jurisdiction of the civil court is expressly barred under the Haryana Ceiling on Land Holdings Act, 1972

On a court question, learned counsel representing the petitioners has informed the Court that the learned trial court has granted

the interim protection to the plaintiffs and they wish to file an application for the vacation of stay. At the preliminary stage, the plaint can be rejected only if the case falls strictly within the four corners of the provisions of Order 7 Rule 11 of the Civil Procedure Code, 1908. The suit was instituted in the year 2018. It has remained pending for three years.

Keeping in view the aforesaid facts, it is considered appropriate to permit the petitioners to file an application for the vacation of stay. If such application is filed, the trial court is directed to decide the same, positively, within a period of one month, from the date of its filing. It shall be open to the defendants to contest the suit on the question of lack of jurisdiction of the civil court as well as other defences.

Disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

09.11.2021

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE