

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

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**CR-5953 of 2018 (O&M)
Date of decision: 12.09.2022**

Balwant Singh Gill and another

..Petitioners

Versus

Arti Gill @ Arti Gauri

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Mohit Garg, Advocate, for the petitioners.

ANIL KSHETARPAL, J(Oral)

An application filed under Order VII Rule 11 CPC to reject the plaint on the ground of lack of territorial jurisdiction of Courts at Ambala has been dismissed by the trial court.

The respondent herein is a widowed daughter-in-law of the petitioners. She had filed a petition under Sections 18 and 19 of the Hindu Adoption and Maintenance Act, 1956. The petitioners claim that since the property on which the Court will create charge is located in outside the territorial jurisdiction of Ambala, therefore, the petition is not maintainable.

The suit under Sections 18 and 19 of the Hindu Adoption and Maintenance Act, 1956, has been filed along with application under Order XXXIII Rule 1 CPC for permission to sue as an indigent person. Such suit cannot be said to be with respect to the immovable property only. The consequential charge on the Joint Hindu Family Coparcenary property would only arise once she is held entitled to maintenance. At this stage, the averments made in the plaint are required to be examined. The trial Court has taken a plausible view while rejecting the application under Order VII Rule 11 CPC.

Hence, this court does not find it appropriate to exercise its supervisory jurisdiction to interfere with the impugned order.

Dismissed.

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

September 12, 2022
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*