

S.No.230

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

CR No.5053 of 2019 (O&M)

Date of Decision:21.11.2022

Dharmender

.....Petitioner

Vs.

Chief Executive Officer and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Suman Jain, Advocate with Mr. Rishabh Jain,
Advocate for the petitioner.

Mr. A.P.S. Sandhu, Advocate for respondents No.1 and 2.

Mr. G.N. Malik, Advocate for the applicants in
CM No.22285-CII of 2019.

DEEPAK GUPTA, J.

By way of the impugned order dated 26.07.2019 (Annexure P.6), the trial Court directed to return the plaint after observing that Civil Court did not have the jurisdiction in the matter and rather it was the Wakf Tribunal who was the contempt to deal with the matter.

Although notice of the application under Order 1 Rule 10 CPC has not been issued so far, learned counsel requested to assist the Court only on the legal issue qua the jurisdiction. Learned counsel pointed out that against the impugned order, it is only the appeal which is maintainable as per Order 43 Rule 1 CPC. The said legal position is conceded by learned counsel for the petitioner.

As requested by counsel for the petitioner, this petition is dismissed as withdrawn with liberty to him to approach the Appellate Court to seek appropriate remedy. As far as bar of limitation is concerned, the Appellate Court will take into account the factum of filing the revision

before this Court.

Dismissed as withdrawn with the liberty aforesaid.

November 21, 2022
renu

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No