

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 5131 of 2019 (O&M)

Date of Decision: 22.11.2022

Sadhu Ram

... Petitioner(s)

Versus

Shree Bhagwan and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Anil Gahlawat, Advocate
for Mr. Jatin Hans, Advocate
for the petitioner(s).

Mr. Sudhanshu Makkar, Advocate
for the respondent No.1 to 3.

Anil Kshetarpal, J.

1. Defendant's application under Order VII Rule 11 of the Code of Civil Procedure, 1908 (hereinafter referred to as "CPC") has been dismissed by the trial Court vide impugned order dated 26.04.2019. This revision petition has been filed challenging the correctness of the aforesaid order.

2. Heard the learned counsel representing the parties, at length and with their able assistance, perused the paper-book.

3. On the one hand, the learned counsel representing the petitioner (defendant No.1 in the suit) claims that the jurisdiction of the Civil Court is barred under Section 13 of the Punjab Village Common Land (Regulations) Act, 1961. On the other hand, the learned counsel representing the respondent No.1 to 3 (plaintiffs) submits that in a previous suit filed by

Sh. Sadhu Ram, the petitioner himself, it was held that the property in

dispute is a part of a public street.

4. As per the provisions of Order VII Rule 11 CPC, the plaint is liable to be rejected if, from the bare reading of the plaint, it appears to be barred by the provisions of any law. In the present case, only a suit for injunction has been filed while asserting that in a previous suit, the disputed property has been held to be a public street. Moreover, Mr.Makkar has informed the Court that after framing of the issues, the plaintiffs have already led substantive part of their evidence.

5. Keeping in view the aforesaid facts, no ground is made out to interfere with the impugned order. Hence, the present revision petition is dismissed.

6. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

November 22, 2022

“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No