

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

(112)

CR-2743-2023

Date of Decision : May 04, 2023

Rajesh Bhatia**.. Petitioner****Versus****Sidh Pith Hanuman Mandir and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Amandeep Vashisth, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Present civil revision petition has been filed for challenging the order dated 31.08.2017 (Annexure P-4) by which, the application filed under Order 7 Rule 11 of the CPC for dismissal of the plaint, has been dismissed. The reason given in the application filed under Order 7 Rule 11 of the CPC is that the present is a registered society and therefore, keeping in view the embargo imposed under Section 89 of the Haryana Registration and Regulations of Societies Act, 2012, the jurisdiction of Civil Court is barred to entertain the present suit and therefore, the present suit be dismissed as not maintainable.

2. Learned counsel for the petitioner submits that without appreciating Section 89 of the Haryana Registration and Regulations of Societies Act, 2012 application filed under Order 7 Rule 11 of the CPC has

been dismissed by the Court and therefore, the impugned order dated 31.08.2017 (Annexure P-4) is liable to be set aside.

3. A bare perusal of the impugned order would show that Section 89 of the Haryana Registration and Regulations of Societies Act 2012 has been taken into account by the Court below and a reason given to reject the plea is that as per Section 89 of the Haryana Registration and Regulations of Societies Act, 2012 that the jurisdiction of the Civil Court is barred to entertain a suit which involve a relief required to be settled/decided and dealt with by the authority concerned under the said Act whereas, in the present case, an injunction is being sought so as to restrain the defendant from interfering into the working of Mandir, which relief can only be granted by the Civil Court.

4. Only the dispute qua the membership, election, cancellation and suspension of the registration, are to be dealt with by the authorities under 2012 Act and jurisdiction to try the said issues is barred to be raised before Civil Court, which is not an issue in the present case.

5. Learned counsel for the petitioner has not been able to rebut the reasons given by the Court below while passing the impugned order.

6. Even otherwise, the order impugned in the present revision petition was passed in the year 2017 and has been impugned in the year 2023 i.e. after a period of six years.

7. Learned counsel for the petitioner places reliance upon the judgments of this Court in ***CR No.5959 of 2001 titled as Anil Gupta vs. J.K. Gupta, decided on 29.11.2001*** and ***CR No.7701 of 2009 titled as Pawan Goel vs. Basudev Garg and others, decided on 31.08.2010*** to

contend that the civil suit is not maintainable. The facts and circumstances

of the said judgments are entirely different as compared to the facts and circumstances of the present case and therefore, the law cited is not applicable in the present case.

8. No ground is made out for any interference called by this Court in the present civil revision petition.

9. Dismissed.

May 04, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes