

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2049 of 2024 (O&M)

Date of Order:07.11.2024

Bimla

.Petitioner

Versus

Ompal and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

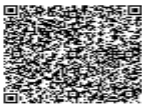
Present: Mr. Vijay Kumar Sheoran, Advocate
for the petitioner.

ANIL KSHETARPAL, JUDGE

1. Defendant no.1 in a pending suit for declaration has filed this revision petition to assail the correctness of interlocutory order passed by the trial court while dismissing her application under Order VII Rule 11 CPC to reject the plaint at the threshold.

2. From the reading of the plaint, it is evident that the dispute is with regard to apportionment of compensation for acquisition of land out of joint khewat. In substance, the suit is for recovery of the excess amount which has been paid to defendants no.1 and 2. The land has been acquired in exercise of powers under National Highways Act, 1956 (hereinafter referred to as 'the 1956 Act'). The trial court has found that at this stage, the suit is for recovery of the amount alleging excess payment to the defendants which can be decided by the civil court. Previously, similar application filed by the Collector was dismissed. Subsequently, the petitioner filed application on the same ground which has also been dismissed.

3. The learned counsel representing the petitioner submits that the



jurisdiction of the civil court is barred under Section 3-I of the 1956 Act.

Section 3-I of the 1956 Act reads as under:-

3-I. Competent authority to have certain powers of civil court.—*The competent authority shall have, for the purposes of this Act, all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely:—*

- (a) summoning and enforcing the attendance of any person and examining him on oath;*
- (b) requiring the discovery and production of any document;*
- (c) reception of evidence on affidavits;*
- (d) requisitioning any public record from any court or office;*
- (e) issuing commission for examination of witnesses.”*

- 4. On the plain reading of the aforesaid provision, it is evident that the jurisdiction of the civil court which is plenary in nature is not excluded.
- 5. Hence, no ground to interfere is made out.
- 6. Dismissed.
- 7. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

November 07, 2024
nt

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