

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-7427-2023 (O&M)

Date of Decision : 08.01.2024

Preet Pal and Others

....Petitioners

VERSUS

State of Haryana and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Chanderhas Yadav, Advocate for the petitioners.

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SUDEEPTI SHARMA, J. (Oral)

1. The petitioners are asking for quashing of order dated 20.11.2023 (Annexure P-5) passed by the learned Additional Civil Judge (Senior Division), Nuh, vide which the application filed by the petitioners under Order 7 Rule 11 CPC, was dismissed.

2. Learned counsel for the petitioners contends that without appreciating Section 18 of the Haryana Ceiling on Land Holdings Act, 1972, the application of the petitioners has been dismissed. In support of his contention he placed reliance upon the judgments passed in **Meg Raj (dead) Thr. L.Rs. & Ors. Vs. Manphool (Dead) Thr. L.Rs & Ors [2019 (2) R.C.R (Civil) 649]; Devinder Singh & Ors. Vs. State of Haryana & Anr. [2006(3) R.C.R. (Civil) 491]; Radhey Sham and Others Vs. State of Haryana and Others [2016(5) R.C.R (Civil) 306], Surinder Singh and Another Vs. The Prescribed Authority (S.D.O Civil) Mahendergarh and Others [2012(1) R.C.R (Civil) 542 and Manjit Singh Vs. Major Singh & Others (CR-2100-2019, decided on 21.11.2022).**

3. I have heard learned counsel for the petitioners.
4. Without going into the merits of the present case, the impugned order dated 20.11.2023 (Annexure P-5) is set aside and the present petition is disposed of with a liberty to the petitioners to move a fresh application before the Learned Court below along with the judgments cited and all the written submissions. Learned Additional Civil Judge (Senior Division), Nuh, is directed to decide the application of the petitioners afresh by taking into consideration the legal provisions as well as the law cited by the petitioners within a period of two weeks from today, by passing a detailed speaking order. It is further directed that before deciding the above mentioned application, he should not proceed further in the case.
5. Disposed of. Pending applications, if any, also stand disposed off.

January 8, 2024
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(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No