



In the High Court of Punjab and Haryana, at Chandigarh

Second Appeal Order No. 8 of 2020 (O&M)

Date of Decision: 06.02.2025

Chander Bose

... Appellant(s)

Versus

Raj Kumari Setia and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Chander Bose, appellant, in person.

Anil Kshetarpal, J.

1. The appellant here is defendant No.1 in the pending suit filed by respondent No.1 for the grant of decree of declaration to the effect that the plaintiff is shareholder of the properties being his wife. The First Appellate Court has remitted the matter back to the Trial Court for decision afresh. The correctness of the judgment dated 07.01.2020 and order dated 11.07.2016 passed by the First Appellate Court have been challenged in the present appeal.

2. In substance, respondent No.1-Raj Kumari Setia (the plaintiff) claims that on 09.10.1992, she got married with the appellant-Chander Bose and out of the wedlock, a female child, namely Priyanka was born on 19.02.1995. Subsequently, it transpired that the appellant was previously married with Sudarshana Devi. There are as many as five properties, out of which four are located in Palwal, whereas one is located in Faridabad. The appellant (the defendant) admits that the properties No. (a) and (b) are in

partially rejected the plaint under Order VII Rule 11 of the Code of Civil Procedure, 1908 (hereinafter referred to as “CPC”) with respect to the properties No. (a), (b), (c) and (e), whereas the suit qua the property No. (d) was dismissed on merits. Subsequently, the plaintiff filed a first appeal challenging the order rejecting the plaint as well as dismissal of the suit. The First Appellate Court noted that before deciding the case, the Court was required to examine as to whether partial rejection of the plaint is permissible. Similarly, the Trial Court has also erred in dismissing the suit on the lack of territorial jurisdiction while overlooking Section 17 CPC.

3. The appellant, who appears in person, submits that he is compelled to defend as many as 23 suits which have been dismissed.

4. This Court has considered the submissions of the appellant. The appellant will have the liberty to defend the suit on the ground as permissible in law. At this stage, the First Appellate Court has only remitted the matter to the Trial Court.

5. Keeping in view the aforesaid facts, no ground is made out to interfere with the impugned judgment dated 07.01.2020 and order dated 11.07.2006 passed by the First Appellate Court. Hence, the present appeal is dismissed.

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

(Anil Kshetarpal)
Judge

February 06, 2025
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No