



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

124

CR No.4749 of 2025 (O&M)

Date of Decision :28.07.2025

Roshan Lal Mathur**.....Petitioner****Versus****Bikram Singh and others****..... Respondents****CORAM: HON'BLE MR.JUSTICE VIKRAM AGGARWAL**

Present : Mr. Shivam Sharma, Advocate for the petitioner.

VIKRAM AGGARWAL, J. (Oral):

The present revision petition, preferred under Article 227 of the Constitution of India, assails the order dated 14.05.2025 (Annexure P-4), passed by the Court of Civil Judge (Jr. Divn.), Tohana, vide which the application filed by the petitioner under Order 7 Rule 11 of the Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC') for rejection of plaint was dismissed.

2. A suit for permanent injunction was filed by respondent No.1-plaintiff (Bikram Singh) restraining defendants No.1 to 14 from interfering in the peaceful possession as owner of plot No.10-A measuring 48 square yards situated in Adarsh Colony, Bhuna Road, Tohana. It was the claim of the plaintiff that the said plot was allotted to him by defendant No.1 (Rameshwar Muwal) and that without any right, the defendants were interfering in his possession.

3. During the pendency of the suit, an application under Order 7 Rule 11 CPC was filed by defendants No.1, 5 to 7 and 9 for rejection of plaint.



Primarily two grounds were raised. The first ground was that plot No.10-A was not in existence at the time of approval of the plan of the colony and, therefore, the plaintiff had no *locus sandi* to file the suit. The second objection was that as per the provisions of Haryana Development and Regulation of Urban Area Act 1975 (hereinafter referred to as '1975 Act') and Haryana Development and Regulation of Urban Area Rules, 1976, the Civil Court would not have the jurisdiction to deal with the matter.

4. The application was opposed by way of reply (Annexure P-3). By way of impugned order, the application for rejection of plaint was dismissed leading to the filing of the instant revision petition.

5. I have heard learned counsel for the petitioner.

6. Learned counsel submits that the impugned order is not sustainable. He submits that as per the provisions of Section 15 of 1975 Act, the jurisdiction of the Civil Court was barred. He submits that this objection was not even discussed by the trial Court while dismissing the application. He further submits that since the plot No.10-A was not in existence at the time of approval of the plan of the colony, the plaintiff had no *locus standi* or cause of action to institute the suit.

7. I have considered the submissions made by learned counsel for the petitioner but find the same to be devoid of merit. Both objections shall be decided at the relevant stage and there is no ground to reject the plaint at the threshold.

8. As regards the first objection that plot No.10-A was not in existence at the time of approval of the plan of the colony, the same would be a matter of evidence as has rightly been observed by the trial Court. The second



objection that the jurisdiction of the Civil Court would be barred was no doubt, not discussed by the trial Court. However, I do not deem it appropriate to remit the matter to the trial Court on account of this, for, Section 15 of the 1975 Act, though lays down that the jurisdiction of the Civil Court would be barred as regards question relating to matters falling under the Act, it would be a matter of evidence as to whether the matter would fall under the Act since it is a simpliciter suit for permanent injunction. Still further, no such objection is stated to have been taken by the Municipal Council. Be that as it may, as already observed, both issues would require evidence only after which the trial Court would be in a position to come to a firm conclusion.

9. That being so, I do not find any merit in the instant revision petition and the same is accordingly, dismissed.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

28.07.2025

Manoj Bhutani

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