



CR-6842-2023

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

(289)

CR-6842-2023

Date of decision: - 08.01.2025

Rajesh Sood and another

....Petitioners

Versus**Aruna Sood and others**

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Pankaj Midha, Advocate,
for the petitioners.

Mr. Manjul Sud, Advocate
for respondents No.2 to 5.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 21.10.2023 passed by the District Judge, Hoshiarpur vide which the appeal filed by respondents No.1 to 5 has been accepted against the order dated 04.10.2018 passed by the Civil Judge (Junior Division), Hoshiarpur.

2. Learned counsel for the petitioners has submitted that in the present case, the application under Order 7 Rule 10 CPC filed by the petitioners had been allowed by the trial Court but the same has been dismissed by the 1st Appellate Court. It is further submitted that since in the written statement, the petitioners had taken a plea that the Civil Court

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at Hoshiarpur has no jurisdiction to entertain and try the present suit, thus, the petitioners be permitted to withdraw the present revision petition with liberty to raise all pleas during the course of trial. It is, however, submitted that the trial Court may decide the said plea at the time of final hearing, uninfluenced by the observations made in the order dated 21.10.2023.

3. Learned counsel appearing for respondents No.2 to 5 has submitted that respondents No.2 to 5 be also permitted to raise all pleas including the plea to the effect that the Court at Hoshiarpur has the jurisdiction during the course of trial and has further submitted that the trial Court may independently decide the same de hors of the observations made in the order dated 04.10.2018 as well as in the order dated 21.10.2023.

4. Keeping in view the above-said facts and circumstances, the petitioners are permitted to withdraw the present revision petition with liberty to raise all pleas which have been made in the written statement and the trial Court would consider the said pleas after taking into consideration the arguments raised by both the sides uninfluenced by the observations made in the order dated 04.10.2018 as well as in the order dated 21.10.2023 at the stage of final hearing.

January 08, 2025
naresh.k

(VIKAS BAHL)
JUDGE

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