

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CR-7484-2024 (O&M)****Date of Decision : 20.08.2025**

Jai Bhagwan

... Petitioner

Versus

XEN, Irrigation Department PWD (B&R) and Others

... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sarvjit Singh Khurana, Advocate for the petitioner.

Mr. Sanjeev Kumar, Addl. AG Haryana for the respondents.

ALKA SARIN, J. (Oral)

1. Present revision petition has been filed challenging the orders dated 03.09.2024 and 04.12.2024 whereby the application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 has been dismissed by both the Trial Court as well as the First Appellate Court.
2. Learned counsel for the plaintiff-petitioner would contend that vide the impugned order the Trial Court has virtually dismissed the suit of the plaintiff-petitioner holding that the Civil Court has no jurisdiction.
3. *Per contra* the learned State counsel appearing on behalf of the defendant-respondents would contend that the Civil Court in the present case has no jurisdiction and that the plaintiff-petitioner has a remedy of filing an appeal as per Section 24 of the Haryana Canal and Drainage Act, 1974.
4. Heard.
5. In the present case, while dismissing the application under Order

XXXIX Rules 1 and 2 CPC a categoric finding has been given by the Trial Court that the Civil Court has no jurisdiction which would amount to rejecting the suit at the stage of deciding the application under Order XXXIX Rules 1 and 2 CPC. In view thereof, the impugned orders cannot be sustained and the same are accordingly set aside. The Trial Court would decide the application on merits. Needless to say, if any application is moved by the defendant-respondents under Order VII Rule 11 CPC the same would be decided in accordance with the law.

6. Disposed off. Pending applications, if any, also stand disposed off.

20.08.2025
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO