



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

**CR-3854-2026 (O&M)
Reserved on :- 14.05.2026
Date of Pronouncement:-20.05.2026
Uploaded on:-21.05.2026**

Anil Puri and Others

... Petitioners

Versus

State of Punjab and Others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Argued by :-

Mr. Brij Mohan Vinayak, Advocate
for the petitioners.

Mr. I.S. Kingra, Senior DAG, Punjab
for respondents No.2 and 3.

Mr. Dharminder Singh Randhawa, Advocate,
for respondent No.3

VIRINDER AGGARWAL, J.

1. The petitioners preferred this Civil Revision Petition under Article 227 of the Constitution of India, invoking the supervisory jurisdiction of this Court, to assail the propriety and legality of the order dated 02.04.2026 (**Annexure P-1**). The impugned order, passed by the learned Civil Judge (Junior Division), Amritsar, erroneously acceded to the application filed by the respondent-defendant seeking to treat the issue of jurisdiction as a preliminary issue.



2. Succinctly stated, the background giving rise to the instant petition is that the appellant-plaintiffs instituted a suit for mandatory and prohibitory injunction. The plaintiffs *inter alia* sought a mandatory direction to the defendant to rectify and correct Notification No. 5/64/2015(2)-3lg2/892201/1 dated 15.12.2016, thereby exempting the parcels of land delineated in the site plan marked 'z2', in strict conformity with Drawing No. 2394/81 pertaining to Property No. 23, Anand Avenue, comprised in Khasra No. 347, situated at Tung Bala Urban, Amritsar.

2.1. Additionally, the plaintiffs sought a permanent prohibitory injunction to restrain the defendants from carving out any plots or roadways, or executing any allotments, over the land falling within the aforementioned Khasra No. 347, Tung Bala Urban, 23 Anand Avenue (Scheme No. 61), Amritsar specifically targeting the unauthorized demarcation of Plots No. 12, 13, and 14, alongside the proposed road as illegally super-imposed in Drawing No. 4249 dated 25.10.2016.

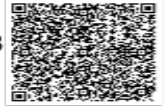
3. Defendant No. 3 filed its written statement raising, *inter alia*, various preliminary objections, including a specific plea regarding the maintainability of the suit and the jurisdiction of the Civil Court to entertain and adjudicate the present controversy. It was contended that the dispute in question does not fall within the domain of the Civil Court and can be examined exclusively in exercise of writ jurisdiction by this Court or by the Hon'ble Apex Court. Thereafter, issues were framed vide order dated 05.12.2025. Subsequent thereto, the petitioner-plaintiff moved an application for deposit of diet expenses for summoning witnesses in support of its case. However, respondent-defendant No.3 thereafter instituted an application under Order XIV Rule 2(2) of the Code of Civil



Procedure, 1908 (for short, “CPC”), seeking adjudication of the issue pertaining to jurisdiction as a preliminary issue.

4. The aforesaid application was contested by the petitioners—plaintiffs. However, the learned Trial Court, vide the impugned order, allowed the application and directed that the issue relating to jurisdiction be treated as a preliminary issue for adjudication. Consequently, the matter was adjourned and fixed for hearing arguments confined to the question of jurisdiction.

5. Learned counsel for the petitioners contends that while passing the impugned order, the learned Trial Court failed to appreciate the settled principle of law that ordinarily findings are required to be returned on all issues arising in the suit, unless the case squarely falls within the exceptions contemplated under Order XIV Rule 2 CPC. It is further contended that the judgments cited on behalf of the petitioners were neither discussed nor duly considered by the learned Trial Court while arriving at its conclusion. In support of the aforesaid submissions, reliance has been placed upon the judgments of the Hon’ble Apex Court in ***Sathyanath and Another vs. Sarojamani, 2022 INSC 529; Orissa Agro Industries Corporation Ltd. and Ors. vs. Bharati Industries and Ors. 2005 INSC 551***; by this Court in ***Ombir @ Om Veer vs. Smt. Richa Sharma and Another, 2016(2) PLR 717; Buta Singh and Others vs. Sher Singh, Law Finder Document ID # 2083235*** and ***Balbir Singh vs. The Registrar Cooperative Societies and Others, 2026 PHHC 22084***. It is thus argued that the impugned order suffers from material irregularity and non-consideration of binding judicial precedents, thereby warranting interference in exercise of the supervisory jurisdiction of this Court.



6. Learned counsel for the petitioners further contended that the controversy involved in the present case raises intricate and disputed questions of fact which necessitate adjudication on the basis of evidence to be adduced by the parties. It is submitted that the issues arising for determination cannot be decided merely on the basis of pleadings or as pure questions of law and would require a detailed examination of factual aspects through a regular trial. Consequently, it is argued that such disputed and complex factual questions are not amenable to adjudication in writ jurisdiction and necessarily require adjudication by the competent Civil Court after the parties are afforded an adequate opportunity to lead evidence.

7. Per contra, learned counsel appearing on behalf of the respondents contended that the impugned order does not suffer from any illegality, infirmity, or jurisdictional error warranting interference by this Court in exercise of its supervisory jurisdiction. It is submitted that the learned Trial Court has rightly exercised its jurisdiction in treating the issue concerning the jurisdiction of the Civil Court as a preliminary issue, as the same constitutes a pure question of law capable of determination without requiring the parties to lead evidence. It is thus contended that the approach adopted by the learned Trial Court is in consonance with the mandate of law and does not call for any interference.

8. I have heard learned counsel for the parties at considerable length and have bestowed anxious and thoughtful consideration upon their respective submissions, while duly taking into account the pleadings of the parties, the material available on record, and the findings returned by the Court below.



9. In order to effectively adjudicate upon the controversy involved in the present revision petition, it would be apposite to advert to the provisions of Order XIV Rule 2 of CPC, which are reproduced hereunder:-

[2. Court to pronounce judgment on all issues.—

(1) Notwithstanding that a case may be disposed of on a preliminary issue, the Court shall, subject to the provisions of sub-rule (2), pronounce judgment on all issues.

(2) Where issues both of law and of fact arise in the same suit, and the Court is of opinion that the case or any part thereof may be disposed of on an issue of law only, it may try that issue first if the issue relates to

(a) the jurisdiction of the Court, or

(b) a bar to the suit created by any law for the time being in force, and for that purpose may, if it thinks fit, postpone the settlement of the other issues until after that issue has been determined, and may deal with the suit in accordance with the decision on that issue.]

10. A plain and meaningful reading of sub-rule (2) of Rule 2 of Order XIV of CPC, makes it abundantly clear that only a pure question of law, particularly one relating to the jurisdiction of the Court or a statutory bar to the suit, may be treated and adjudicated as a preliminary issue prior to determination of the remaining issues arising in the suit. The legislative intent underlying the said provision is to permit early adjudication only where the issue is capable of being decided independently and without requiring an inquiry into disputed questions of fact or appreciation of evidence. In support of the aforesaid contention, learned counsel for the petitioner has placed reliance upon the judgment of the Hon'ble Apex



Court in **Sathyanath and Another (supra)**, wherein para No. 33 reads as under:-

33. Keeping in view the object of substitution of sub-Rule (2) to avoid the possibility of remanding back the matter after the decision on the preliminary issues, it is mandated for the trial court under Order 14, Rule 2 and Order 20, Rule 5, and for the first appellate court in terms of Order 41 Rules 24 and 25 to record findings on all the issues.

11. While it is a settled principle of procedural law that a court should ordinarily record its findings on all issues, Order XIV, Rule 2, Sub-Rule (2) of CPC explicitly carves out an exception. It stipulates that where an issue relates to the jurisdiction of the Court, or a bar to the suit created by any law for the time being in force, the same may be tried as a preliminary issue and adjudicated prior to the settlement of other issues.

11.1. The judicial precedents cited by the learned counsel for the petitioner are distinguishable and inapplicable to the matrix of the present case:-

➤ The ratio in **Orissa Agro Industries Corporation Ltd. and Ors. (supra)** merely establishes that a writ petition ought not to be entertained when it involves complicated questions of fact requiring exhaustive evidentiary proof.

➤ A similar position was maintained in **Balbir Singh's case (supra)**, which operates in a distinct factual realm. Both the authorities would be helpful in deciding about preliminary issue when adjudicated but does not help the Court in deciding as to if issue of jurisdiction of Court is to be treated as preliminary issue or not.

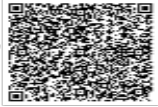


➤ Furthermore, in *Ombir @ Om Veer's case (supra)*, which addressed whether the issue of *res judicata* could be treated as a preliminary issue, this Court re-affirmingly held that preliminary issues should be decided to ensure the expeditious disposal of litigation. However, it qualified that if an issue necessitates the leading of evidence, it cannot be treated as a preliminary issue and must instead be adjudicated alongside the remaining issues.

➤ Concurrently, in *Buta Singh and Others (supra)*, this Court held that the question of limitation, being a mixed question of fact and law requiring evidentiary substantiation, cannot ordinarily be tried as a preliminary issue.

12. In the case at bar, the foundational question is whether the Civil Court possesses the requisite jurisdiction to entertain and try the instant suit, or whether it suffers from an inherent lack of jurisdiction. Recognizing this, the learned Trial Court properly framed the issue of jurisdiction as a preliminary issue and posted the matter for arguments, correctly concluding that no oral or documentary evidence was required to determine this threshold question of law.

12.1. It is a core tenet of procedural jurisprudence that if a Civil Court suffers from an inherent lack of jurisdiction, such an issue can and indeed should be treated as a preliminary issue under Order XIV, Rule 2(2) of the CPC. Consequently, the findings recorded by the learned Trial Court suffer from no legal infirmity, perversity, or jurisdictional error. The present revision petition, being devoid of merit, is entirely unsustainable and is hereby **dismissed**.



13. It is, however, clarified that the observations recorded here-in-above are not intended, and shall not be construed, as an expression of opinion on the merits of the underlying dispute. All such observations are confined solely to the adjudication of the present issue and are limited to the scope of the controversy examined for the purposes of this order. Nothing stated herein shall prejudice or influence the rights, claims, or contentions of any party in any other proceeding, nor shall it be treated as a determination of any substantive question of fact or law in the main matter.

14. Consequent upon the final adjudication of the principal matter, all pending miscellaneous applications, if any, arising out of or connected with the present proceedings, shall stand disposed of by necessary implication. In light of the conclusions reached herein, no separate or independent orders are required in respect of such applications, as their determination has become wholly infructuous and academic.

20.05.2026
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

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