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

CR-7227-2023 (O&M)

Date of decision: 26.09.2025

The Graduate Employees Cooperative House Building Society Ltd. and
another

...Petitioners

Versus

Swaran Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. M.S. Sachdev, Advocate for the petitioners.

Mr. R.S. Bajaj, Advocate for respondent No.1.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 09.10.2023 (Annexure P-1) passed by the Civil Judge (Junior Division), Jalandhar, whereby, the application filed by the petitioners under Order 7 Rule 11 CPC for rejection of plaint had been dismissed.

2. Learned counsel for respondent No.1 has submitted that in the present case, apart from the observations made in the impugned order, a perusal of the plaint would also show that the declaration had been sought for setting aside the sale deed dated 16.07.1997. It is further submitted that permanent injunction restraining the defendants from interfering in possession had also been sought and it is the Civil Court which is competent to grant the



said prayer and in any case it cannot be said that the Civil Court is barred from considering the said prayer. It is further argued that it was also the case of the plaintiff that the cancellation of the allotment to the plaintiff was without issuing any notice to the plaintiff, and thus, the said action was in violation of the principles of natural justice and on the said ground, the civil suit is maintainable even in case there is a bar under the relevant Act. It is submitted that thus, the impugned order deserves to be upheld.

3. Learned counsel for the petitioners, on the other hand, has submitted that in the present case, even as per the case of the plaintiff, he was an allottee and there was no registered sale deed in favour of the plaintiff. It is further submitted that the Resolution was passed to cancel the allotment in favour of the plaintiff after due notice and that the averments made in the plaint to the effect that no notice was issued are not correct. It is submitted that the right of the society to pass resolutions would come within the meaning of management and business of the society and the challenge to the same would attract the bar under Section 82 of the Punjab Cooperative Societies Act, 1961. It is submitted that the Registrar who acts as an Arbitrator has all the powers to grant reliefs which are being sought by the plaintiff. It is submitted that the suit filed by the plaintiff is meritless and deserves to be rejected.

4. Learned counsel for respondent No.1, has submitted that at any rate, all the said issues are debatable and can only be decided after due trial is held and the present suit cannot be rejected at the threshold.

5. Learned counsel for the petitioners has submitted that in view of the same, the present revision petition be disposed of permitting the petitioners to raise all the pleas which have been raised in the present revision petition and



are available to them during the course of trial and the trial Court be directed to decide all the said pleas at the stage of final adjudication, uninfluenced by the observations made in the impugned order.

6. Learned counsel for respondent No.1 has submitted that he has no objection to the said course of action but has further stated that even respondent No.1 be permitted to raise all the pleas during the course of trial and the same be also considered at the time of final adjudication.

7. Keeping in view the abovesaid facts and circumstances, while upholding the order dated 09.10.2023, the present revision petition is disposed of with the following observations:-

- i) It would be open to the petitioners as well as respondent No.1 to raise all the pleas which have been raised in the application under Order 7 Rule 11 CPC as well as in the reply thereto including the pleas with respect to the bar of jurisdiction and limitation, before the trial Court.
- ii) The trial Court would decide all the said pleas after giving due opportunity to both the parties to lead evidence and after hearing both the parties, at the time of final adjudication. Same would be decided independently without being influenced by the observations made in the impugned order.

26.09.2025

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No