



CR-848-2021(O&M) 1

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

**CR-848-2021(O&M)**  
**Reserved on : 08.05.2025**  
**Date of decision:02.06.2025**

Raj Kumar Kathuria and another  
..Petitioners  
Versus  
A.K. Sinha  
..Respondent

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Himanshu Raj, Advocate for the petitioners  
(through VC)

None for the respondent

**ANIL KSHETARPAL, J. (Oral)**

1. The defendants assail the correctness of the impugned order passed on 08.04.2019, whereby the trial court has rejected their application filed under Order VII Rule 10 of the Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC') to return the plaint for presentation in appropriate court having jurisdiction.

2. In substance, the defendants claim that the civil court at Chandigarh has no jurisdiction to entertain and decide the suit. Relevant facts, in brief are that the plaintiff filed a suit under Order XXXVII CPC for recovery of Rs.18,00,000/- alongwith interest at the rate of 18 % on the basis of a written contract allegedly executed on 24.09.2013. The plaintiff has sold H.No.2440, Sector 21 Faridabad in favour of the defendants vide sale deed dated 24.09.2019 for Rs.1,20,00,000/-. However, the defendants, prior to the registration of



**CR-848-2021(O&M)                      2**

the sale deed, informed the plaintiff that some arrears are pending against the said house in respect of house tax, sewerage and electrical charges. Consequently, on 24.09.2013, apart from the sale deed, a separate agreement was executed at Faridabad whereby the plaintiff agreed to pay Rs.42,00,000/- to the defendants to pay all arrears payable to the authorities with respect to the house in question while returning the balance amount. It is claimed that an amount of Rs.2,00,000/- was paid at Faridabad whereas remaining amount of Rs.40,00,000/- was paid to the defendants at Chandigarh on 25.09.2013 out of which Rs.16,00,000/- has been returned by defendant no.1, however, he is not rendering the account of the remaining amount. Thus, the plaintiff filed a suit for recovery of Rs.18,00,000/-. The defendants filed an application under Order VII Rule 10 CPC, which was dismissed on the ground that the aspect of territorial jurisdiction of the court cannot be decided, being the matter of evidence, which has been challenged in the present revision petition.

3.            Learned counsel representing the respondent has absented at the time of hearing.

4.            Learned counsel representing the petitioners contends that the agreement dated 24.09.2013 was entered into at Faridabad and suit is with respect to an immovable property. Hence, the same is required to be instituted in the court within the local limits of whose jurisdiction the property is situated.

**CR-848-2021(O&M)****3**

5. This Court has considered the submissions made by the learned counsel representing the petitioner.

6. The suit is at the threshold. The sale deed executed in favour of the defendants is not in dispute. The only dispute is with regard to recovery of Rs.18,00,000/-, which was paid to the defendants by the plaintiff pursuant to an agreement dated 24.09.2013. Under Order VII Rule 10 CPC, the court can return a plaint for presentation to the court in which the suit should have been instituted. At this stage, it will not be appropriate to express any final opinion with respect to the jurisdiction of the court because the suit is not governed by Section 16 CPC. It is not with respect to an immovable property situated in Faridabad. Hence, the trial court has correctly held that the objection with regard to territorial jurisdiction cannot be decided before permitting the parties to lead evidence. Consequently, finding no merit, the revision petition is dismissed.

7. All the pending miscellaneous applications, if any, are also disposed of.

**(ANIL KSHETARPAL)**  
**JUDGE**

**02.06.2025**

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No