

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			CLR No. 191 of 2023 <u>Hon'ble Sharad Kumar Sharma, J.</u> Ms. Shweta Dobhal, Advocate, on behalf of Mr. Lokendra Dobhal, Advocate, for the revisionists. The revisionists have preferred this Revision by invoking the provisions contained under Section 115 of the CPC, alleging being aggrieved against the order dated 26th October, 2023, as it was passed in Suit No. 64 of 2022, Sandeep Tiwari Vs. Vipul Tiwari and another, whereby, the revisionist's application in the capacity of being the defendants, preferred under Order 7 Rule 11 of the CPC, being paper No. 34C2, was rejected. The learned counsel for the revisionists has argued the matter from two perspectives, (i) that the Suit does not decipher the cause of action, and (ii) the subject matter, i.e. the property, in question, since being an agricultural land, the Civil Suit would not lie, owing to the implications of the provisions contained under Section 331 of the U.P. Z.A. & L.R. Act. So far as sustainability of the civil proceedings in relation to the agricultural land is concerned, invariably in all the cases, the provisions contained under Section 331 of the U.P. Z.A. & L.R. Act, will not come into play, to be attracted to not to sustain the suit by getting it decided by filing an application under Order 7 Rule 11 of the CPC, because the entire conspicuous of the plaint only has to be considered, as to whether the relief claimed in the Suit entails any element of declaration of the right over the property. A simplicitor suit for injunction where a question of title is a condition precedent is only incidental in nature, and it does not deliberate upon the rights or actual title of the individual. Apart from it, for the purposes of establishing of a case for considering the application under

			Order 7 Rule 11 of the CPC, it is not in dispute, that and as observed by the impugned order, that it is a simplicitor averment, which has been made in the Suit, which is required to be taken into consideration, and its comparative scrutiny with the written statement of the case of the defendant is not required to be gone into. Owing to the aforesaid observations, and the reasons given, and looking to the plaint itself, the plaintiff/respondent had deciphered the cause of action, but so far as the question of the bar being created under Section 331 of the U.P. Z.A. & L.R. Act, would be a question, which would engage consideration only after exchange of the pleadings and formulation of the issues by the learned Trial Court. The Suit in itself cannot be at a threshold be rejected on the basis of the simplicitor averments of the application preferred under Order 7 Rule 11 of the CPC. Thus, the Revision lacks merits, and the same is accordingly dismissed. (Sharad Kumar Sharma, J.) Dated 29.12.2023 Shiv
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