

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

CR 2911 of 2015

Date of decision:- 30.4.2015

Smt. Kuldeep Kaur

Petitioner

vs.

Sarabjit Kaur and ors

Respondent

Present: Mr. SK Verma, Advocate.

M.M.S.BEDI,J.

This revision petition has been filed by defendant- petitioner invoking the jurisdiction of this court under Article 227 of the Constitution of India, aggrieved by impugned order dated 21.4.2015 (Annexure P-5) dismissing the application under Order 7 Rule 11 CPC, filed by her for dismissal of the suit filed by plaintiff- respondent No.1.

Counsel for the petitioner submits that the suit has been cleverly drafted with an objective to grab the property of one Punjab Singh, who had been mentally ill and had allegedly a right to the extent of 799/1283 share in the land measuring 64 kanal 3 marla, which is the subject matter of the suit. It is claimed that the plaintiff was appointed as a guardian of said Punjab Singh by an order dated 18.4.2013 only for limited purpose and the said order did not entitle the plaintiff- respondent No.1 to file a suit for declaration and injunction in her individual capacity. He claims that it is actually the defendant- petitioner, who has been the guardian of mentally ill Punjab Singh, who has now expired. A litigation had earlier been initiated by the petitioner herself on behalf of Punjab Singh, which has been withdrawn after his death. In view of the said circumstances, the suit

should have been dismissed.

I have considered the contention of the counsel for the petitioner. It has been informed that written statement, taking up all the pleas, has been filed in the court. The circumstances, referred to by counsel for the petitioner do not bring the case within the parameters of Order 7 Rule 11 CPC for dismissing the suit at threshold on the ground that the suit is apparently barred by law.

The petition is dismissed without prejudice to the right of the petitioner to make an endeavour to establish the pleas taken up by her in the written statement.

April 30 , 2015
TSM

(M.M.S.BEDI)
JUDGE