

Civil Revision No.180 of 2016

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

Civil Revision No.180 of 2016

Date of decision: 13.01.2016

Hari Chand

....Petitioner

Versus

Ved Parkash and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?
- 2) To be referred to the Reporters or not ?
- 3) Whether the judgment should be reported in the Digest ?

Present: - Mr. Peeush Gagneja, Advocate, for the petitioner.

PARAMJEET SINGH DHALIWAL, J. (ORAL)

The instant revision petition has been filed for setting aside the order dated 06.11.2015 passed by learned Additional Civil Judge (Senior Division), Abohar, whereby application moved by the petitioner under Order 7 Rule 11 of the Code of Civil Procedure, has been dismissed.

Brief facts of the case are that respondents No.1 and 2/plaintiffs filed a suit for declaration to the effect that they are the owners in possession of the suit land with further declaration to the effect that petitioner/defendant has got no right, title or interest in the suit land, on the basis of sale deed/wasika dated 26.03.2007 executed by respondent No.3/defendant as the name of petitioner/defendant in the sale deed has been entered only as a mark of respect being father of respondents No.1 and 2/plaintiffs. During the pendency of the suit,

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petitioner/defendant filed an application under Order 7 Rule 11 CPC for rejection of the plaint on various legal grounds. Respondents No.1 and 2/plaintiffs filed reply to the application under Order 7 Rule 11 CPC. Trial Court after hearing the learned counsel for the parties dismissed the application filed by the petitioner under Order 7 Rule 11 CPC vide order dated 06.11.2015. Hence, this revision petition.

I have heard learned counsel for the petitioner and perused the record.

Rejection of the plaint has been sought on the ground that suit is time-barred, plaintiff is required to affix ad-valorem court fee and that the sale is *benami* transaction. Trial Court has rightly held that the issues raised in the application cannot be determined without trial and affording opportunity to the parties to lead evidence.

The order passed by learned trial Court is perfectly valid. Learned counsel for the petitioner has failed to show that the case is covered under any of the grounds under Order 7 Rule 11 CPC.

I do not find any illegality or perversity in the impugned order.

Dismissed in limine.

(Paramjeet Singh Dhaliwal)
Judge

January 13, 2016
R.S.