

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.6194 of 2016 (O&M)
Date of decision:20.09.2016

Smt. Harinder Ghuman

... Petitioner

Vs.

Sh. Paramjit Singh Dhillon and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Petitioner-in-person.

AMIT RAWAL J. (Oral)

Petitioner-defendant No.1 is aggrieved of the dismissal of the application filed under Order 7 Rule 11 read with Section 151 Code of Civil Procedure (hereinafter referred to as “CPC”) on the premise that the suit filed by the plaintiffs, was not maintainable as the entire property at Nawanshahar belongs to mother – Jatinder Kaur, therefore, the husband cannot claim any property. The Court below ought not to have dismissed the application.

I have heard petitioner-in-person and appraised the paper book and of the view that for decision of the application filed under Order 7 Rule 11 CPC, the averments made in the plaint have to be seen but not the defence. In case, the plaintiff has not been able to prove the averments, objection qua maintainability in the written statement can be considered, but not in the manner and mode by seeking rejection of the plaint at threshold. The objection/argument raised, in my view, is a mixed question of fact and

law.

During the course of arguments, petitioner-in-person requested that filing of the suit at Nawanshahar is not maintainable as he is a resident of Delhi and the plaintiff wanted to harass her by perpetual appearance but again it would be subject to objection during trial stage.

In view of the aforementioned observations, I deem it appropriate to issue directions to the trial Court to decide the suit as expeditiously as possible preferably within a period of one year from the date of receipt of a certified copy of this order.

While affirming the findings under challenge, revision petition stands dismissed.

(AMIT RAWAL)
JUDGE

September 20, 2016
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No