

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

CR No. 1295 of 2017

Date of Decision: 10.11.2017

SMT. NIRMAL

-PETITIONER

VS

SMT. REENA DEVI

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Jagjot Singh, Advocate, for
Mr. Kunal Dawar, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

[1]. Petitioner has assailed the order dated 27.07.2016 passed by Additional Civil Judge (Senior Division), Sohna vide which an application under Order 7 Rule 11 CPC was dismissed.

[2]. Plaintiff-respondent filed election petition under Section 176(4) (aa) (i) of the Haryana Panchayati Raj Act, 1994.

[3]. Defendant-petitioner filed an application under Order 7 Rule 11 CPC seeking to get the plaint rejected on the ground that proper authorities have not been impleaded who have conducted, regulated and declared the election. Besides it, the defendant-petitioner took the plea that the petition does not

disclose any cause of action. The trial Court dismissed the application.

[4]. At the stage of proceedings in terms of Order 7 Rule 11 CPC, only averments made in the plaint are to be seen. The cause of action is dependent upon bundle of facts. The plea of non-joinder of necessary party would be gone into by the trial Court at the relevant stage. In any case, the pleas on which rejection of plaint is sought, require leading of evidence at a subsequent stage. The plea raised in the written statement cannot be appreciated at this stage.

[5]. It is a settled principle of law that the Court would be very circumvent in rejecting a plaint on such type of pleas as these pleas may result in serious consciousness.

[6]. The grounds as projected are not covered under Clause (a) to (f) of Order 7 Rule 11 CPC.

[7]. In my considered opinion, the jurisdiction exercised by the trial Court is perfectly lawful and justified.

[8]. This revision petition is found to be totally bereft of merits and the same, is accordingly, dismissed.

10.11.2017
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No