

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

CR No.6267 of 2017
Date of decision : 15.09.2017

Sunita

...Petitioner

Versus

Subhash

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Deepak Kaushal, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Defendant is in revision petition against the order dismissing the application filed under Order 7 Rule 11 CPC for rejection of the plaint.

The plaintiff had filed a suit for partition of the property which includes a house-cum-shop. Plaintiff claims that he is entitled to 1/3rd share.

As per the arguments of the learned counsel, the plaintiff has already concluded his evidence.

At this stage, application was filed on the ground that the plaint does not disclose any cause of action.

I have carefully gone through the plaint. It is alleged in the plaint that the property is joint. It is further alleged that the defendant is not allowing the plaintiff to enjoy the property in proper manner and, therefore, the plaintiff wants the partition of the suit property.

In my considered opinion, the cause of action has been

disclosed in the plaint and, therefore, the plaint cannot be rejected on this ground.

Still further, the case is already at the advanced stage.

For the reasons recorded above, I do not find any good ground to interfere with order passed by the trial Court.

Revision petition is dismissed.

15.09.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No