

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

CR No.6799 of 2017
Date of decision : 03.10.2017

Manish Kumar

...Petitioner

Versus

Mohan Lal

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikram Singh, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Defendant-petitioner is in revision petition against the dismissal of the application filed under Order 7 Rule 11 CPC.

Defendant-petitioner had filed an application on the ground that when the alleged agreement to sell was executed, defendant was a minor.

The learned trial Court after considering the application has dismissed the same on the ground that it has to be decide that whether the defendant-Manish Kumar-petitioner was a minor or not. It is possible only after the evidence of both the parties is recorded.

I have heard learned counsel for the petitioner at length and with his able assistance gone through the documents available in the paper book.

At the time of decision of the application under Order 7 Rule 11 CPC, the only assertions made in the plaint are to be seen. In the plaint,

Manish Kumar has been impleaded as a major and there is no assertion that the defendant was a minor on the day the agreement to sell was executed.

In these circumstances, I do not find any good ground to interfere with the order passed by the trial Court.

Revision petition is dismissed.

03.10.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No