

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

CR No. 7705 of 2017

Date of Decision: 08.11.2017

RAM CHANDER DANIA

-PETITIONER

VS

RAMESH ETC.

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Shiv Kumar, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

[1]. Petitioner has assailed the order dated 15.05.2017 passed by Civil Judge (Junior Division), Faridabad vide which application under Order 7 Rule 11 CPC was rejected.

[2]. Plaintiff has filed the suit for declaration with consequential relief of permanent injunction in respect of sale deed dated 22.08.2014 with a prayer to declare the same to be null and void.

[3]. As per pleadings in the plaint, three cheques qua sale consideration were given to the plaintiff. Out of them, two cheques dated 22.09.2014 and 08.11.2014 in a sum of Rs.50,00,000/- and Rs.43,00,000/- respectively were dishonoured.

[4]. A complaint under Section 138 of the Negotiable

Instruments Act was filed. There was a specific recital/condition mentioned in the sale deed that in the event of dishonouring of the cheque, the sale deed shall be treated to be cancelled.

[5]. Prima-facie it appears that there are no pleadings in respect of first cheque.

[6]. At the stage of filing application under Order 7 Rule 11 CPC, only averments made in the plaint are to be seen. The defence (if any) available to the defendant-petitioner shall be taken into consideration at the relevant stage.

[7]. Finding no illegality in the impugned order passed by the trial Court, this revision petition is dismissed.

08.11.2017
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No