

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

Civil Revision No.1222 of 2014 (O&M)  
Date of Order:09.03.2018

Sulakhanpal Singh

..Petitioner

Versus

Amritpal Singh

..Respondent

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Vaibhav Sehgal, Advocate,  
for the petitioner.

Mr. Vikram Anand, Advocate,  
for the respondent.

**ANIL KSHETARPAL, J(Oral)**

Defendant-petitioner is in the revision petition against the order passed by the learned trial court under Order 7 Rule 11 of the Code of Civil Procedure refusing to reject the plaint.

A reading of the order shows that the learned trial Court passed the order in a mechanical manner. Defendant had filed application under Order 7 Rule 11 CPC for rejection of the plaint on three counts:-(i)

- (i) no cause of action to file the present suit;
- (ii) suit is barred by limitation;
- (iii) The plaintiff has not valued the suit properly.

Learned trial court rejected all the three grounds only on the ground that these issues can only be decided after leading evidence.

In the considered opinion of this court, Order 7 Rule 11 CPC gives an important right to the defendant to get the plaint rejected at the threshold. The court is required to apply its mind and examine that whether

the objection taken in an application under Order 7 Rule 11 CPC fulfills the parameters laid down under that provision or not. No doubt, at the time of the decision of the application under Order 7 Rule 11 CPC, only plaint is to be examined. However with regard to non-payment of court fee, lack of cause of action, suit being barred by limitation, the court is required to examine the pleadings and thereafter give its opinion.

Once this Court examine the impugned order on the aforesaid parameters, the order under challenge is found lacking.

In view thereof, the order dated 27.01.2014 passed by the learned Addl. Civil Judge (Sr. Division), Phillaur, is set aside.

The revision petition is allowed.

Learned trial court is requested to re-decide the application under Order 7 Rule 11 CPC, afresh.

**March 09, 2018**  
**nt**

**(ANIL KSHETARPAL)**  
**JUDGE**

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