

113.

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

Civil Revision No.2297 of 2018 (O&M)

Date of decision:06.04.2018.

MOHINDER SINGH AND ORS

... Petitioners

Versus

NANDANI AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Nitesh Singhi, Advocate,
for the petitioners.

HARI PAL VERMA, J.(Oral)

Petitioner-defendants have filed the present revision petition under Article 227 of the Constitution of India for setting aside the order dated 19.09.2017 (Annexure P-1) whereby their application filed under Order 7 Rule 11 CPC for rejection of plaint in the pending suit titled as “Nandani and another Versus Mohinder Singh and others” was dismissed.

Learned counsel for the petitioners has argued that the respondent-plaintiffs have filed a suit for declaration to the effect that the plaintiffs have 1/5th share in the property measuring 110 square yards, as detailed in the plaint. In the said suit, petitioner-defendants have moved an application under Order 7 Rule 11 read with Section 151 CPC for rejection of plaint on the ground that in the suit, plaintiffs are alleging that the answering defendants are owner of the suit property whereas the petitioner-defendants are/were not the owner of the property. He refers to sale deed dated 12.08.2005 (Annexure P-6) to contend that the property is owned by

Sat Sidh Mata Chintpurni Mandir, Vijay Nagar, Baloke Road, Haibowal Kalan, Ludhiana and the ownership of Naresh also reflects in the jamabandi.

I have heard learned counsel for the petitioners and perused the record.

It is the pleaded case of the petitioner-defendants that they are not the owners of the suit property and the suit property is in the name Naresh son of Jyoti Parshad and, therefore, the plaint is liable to be rejected. However, this Court finds that this is a one sided version of the petitioner-defendants and the factum as to whether the suit land is owned by the petitioner-defendants or by Naresh is yet to be decided on the basis of evidence which will be led by the parties.

Moreover while deciding the application filed under Order 7 Rule 11 CPC, only the contents of the plaint are to be considered and not the defence.

In view of above, this Court does not find any illegality in the impugned order and the present revision petition is, accordingly, dismissed.

(HARI PAL VERMA)
JUDGE

06.04.2018

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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No