

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

**Civil Revision No.7766 of 2017 (O&M)
Date of Order:11.01.2018**

Baldev Singh and another

..Petitioners

Versus

Patamber Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.K.Shukla, Advocate,
for the petitioners.

ANIL KSHETARPAL, J.

Defendants no.5 and 6 are in revision petition against the order dated 24.05.2017, rejecting application under Order 7 Rule 11 CPC.

Plaintiff-respondent no.1 has filed a suit for declaration claiming that defendant no.1 his legally wedded wife and the alleged decree of divorce granted by the foreign court dated 01.05.2015 is illegal, null and void. It was further pleaded that the marriage was solemnized at Khanna i.e. in Punjab and the marriage could not be dissolved without referring to the provisions of the Hindu Marriage Act. Various other grounds were taken to challenge the decree of divorce.

Defendant nos.5 and 6 filed an application to assert that the plaint is liable to be rejected under Order 7 Rule 11 CPC as it does not disclose any cause of action.

Learned trial Court after appreciating the allegations made in the plaint, held that the plaint cannot be rejected. As per Section 13 of the Code of Civil Procedure, various grounds are available to challenge the

judgment passed by a foreign Court.

Learned counsel for the petitioners has submitted that the petitioners i.e. defendant nos.5 and 6 had nothing to do with the suit filed as they are only parents of defendant no.1-wife. He submits that there is no cause of action against the petitioners.

I have considered the submissions. However, I do not find any substance therein.

If, it is the case of the petitioners that they have been wrongly added as defendants, the remedy for such is to file an application under Order 1 Rule 10 CPC for deletion of their names from the array of the parties. However, on this ground the plaint cannot be rejected. The plaint can only be rejected as per the provisions of Order 7 Rule 11 CPC. In this case, the Court has *prima-facie* found that the suit filed by the plaintiff is maintainable.

In view thereof, there is no ground to interfere with the order passed by the Additional Civil Judge (Sr. Division), Fatehgarh Sahib, dated 24.05.2017.

The revision petition is dismissed.

January 11, 2018
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(ANIL KSHETARPAL)
JUDGE

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