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

**Civil Revision No.7581 of 2018  
Date of Decision: 07.03.2019**

**MANJIT SINGH**

**.....Petitioner**

**Vs**

**ASHWANI KUMAR KAPUR ORS**

**....Respondents**

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present:None.

**\*\*\*\***

**RAJ MOHAN SINGH, J. (Oral)**

[1] There is no representation on behalf of the petitioner even after three pass overs.

[2]. Petitioner has assailed the order dated 08.08.2018 passed by the Civil Judge (Jr. Divn.) Chandigarh vide which the application filed by the petitioner under Order 7 Rule 11 CPC for rejection of the plaint was dismissed.

[3]. In a suit for recovery filed by the plaintiff/contesting respondent, an application under Order 7 Rule 11 CPC was filed for rejection of the plaint. The plea taken by the defendant/petitioner was that the plaintiff has also filed suit for recovery of arrears of rent and rent petition is also pending consideration before the competent Court. In addition to the

aforesaid, the plaintiff has filed a complaint under Section 138 of the Negotiable Instruments Act claiming arrears of rent which was allegedly paid by defendant No.1 by way of security cheque. Defendant No.1 has filed a quashing petition in the High Court which is also pending consideration. Defendant No.1 has denied the tenancy and also denied his obligation to pay any amount to the plaintiff for which suit was filed.

[4]. The trial Court dismissed the application on the ground that the document on which the reliance has been placed by the defendant No.1 needs evidence to prove their execution.

[5]. At the stage of consideration of application under Order 7 Rule 11 CPC, only averments made in the plaint are to be considered. In my considered opinion, the plaint cannot be rejected on any of the grounds taken by the petitioner in the application under Order 7 Rule 11 CPC.

[6]. In view of above, there is no illegality in the impugned order passed by the trial Court. This revision petition is found to be totally devoid of merits and the same is accordingly dismissed.

March 07, 2019

*Atik*

Whether speaking/reasoned  
Whether reportable

**(RAJ MOHAN SINGH)**  
**JUDGE**

Yes/No  
Yes/No