

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2839-2019 (O&M)
Date of decision:2.5.2019

Guriqbal Singh

.....Petitioner

Versus

Sohan Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ajay Kumar Sharma, Advocate for the petitioner.

KULDIP SINGH, J.

Heard.

Petitioner seeks setting aside of the order dated 17.1.2019, passed by learned Civil Judge (Junior Division), Chandigarh, vide which the application filed by petitioner-defendant No. 1 under Order VII Rule 11 read with Section 151 of the Code of Civil Procedure for rejection of the plaint was dismissed. Plaint was sought to be rejected on the ground that there is no cause of action.

It comes out that the suit was filed in the year 2015 and the application was filed in the year 2018.

I have gone through the plaint. It is not proper to make the comments on the merits of the case. However, this Court finds that the plaint does disclose the cause of action. Though the plaintiff may or may not succeed in the case on the merits. The findings recorded in the application under Order Rule XXXIX 1 and 2 read with Section 151 of the Code of Civil Procedure are not to be considered while deciding the case on merits.

In view of above, there is no illegality or infirmity in the impugned order dated 17.1.2019, passed by learned Civil Judge (Junior Division), Chandigarh.

Dismissed.

(KULDIP SINGH)
JUDGE

2.5.2019
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Whethers peaking/reasoned	Yes
Whether Reportable:	No