

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

CR-3174-2019 (O&M)

Date of decision: 17.07.2019

Suryakant

...Petitioner

Versus

Vimla Devi

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. M.S. Jandiala, Advocate for the petitioner.

H.S. MADAAN, J.

In a suit filed by plaintiff Vimla Devi against defendant Suryakant, seeking a declaration that she is owner of the suit property and defendant Suryakant is a benamidar, on getting notice, the defendant appeared and moved an application under Order VII Rule 11 CPC for rejection of plaint, contending that since the suit of the plaintiff was not covered by any exceptions to Section 4(3) of Benami Transaction (Prohibition) Act, 1988, the suit was barred in terms of Sections 3 & 4 of the said Act. As such, the plaint was liable to be rejected. The plaintiff opposed the application, filing a written reply that since the plaintiff is in possession of the suit property and all the original documents relating to title thereto in the form of sale deed etc. are in her possession and as per settlement deed, the defendant has no concern therewith, as such, the plaint was not liable to be rejected as

prayed for, by the defendant. The trial Court, vide a detailed order dated 06.02.2019, dismissed the application, mainly for the reason that the plaintiff is claiming the ownership and possession on the basis of family settlement deed executed between the parties in the year 2009, relating to the suit property, as such, the plaint was not liable to be rejected.

This order left the defendant aggrieved and he has approached this Court, by way of filing the present revision petition, challenging the impugned order.

I have heard learned counsel for the revisionist besides going through the record and I find that there is no illegality or infirmity in the impugned order, much less apparent on the face of it. The order is detailed and well reasoned. It is certainly not perverse or in violation of settled legal position on the subject. Thus, no ground is there to interfere with the impugned order, while exercising revisional jurisdiction, which as a matter of fact, is very limited in nature. Therefore, the revision petition being without any merit stands dismissed.

17.07.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No