

CR No.4734 of 2019
Date of Decision: 26.9.2019

Sushma Solanki

.....Petitioner

Versus

Mansi Sharma

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. S.K. Panwar, Advocate, for the petitioner.

NIRMALJIT KAUR, J. (ORAL)

The present revision petition is filed for setting aside the order dated 15.7.2019, vide which, the application of the petitioner filed under Order 7 Rule 11 CPC has been dismissed.

While praying for setting aside the said order, learned counsel for the petitioner submitted that the plaintiff is the daughter-in-law, who has filed the suit for permanent injunction against the mother-in-law, who is owner of the property and therefore, a permanent injunction cannot be obtained against the owner of the property.

The said argument has no merit inasmuch as the perusal of the plaint shows that the plaintiff-respondent has specifically alleged that her brother and mother had arranged ₹ 10 lacs and made the payment to the petitioner-defendant to purchase the house in question and but the respondent-plaintiff has cheated by her mother-in-law by getting the sale deed executed in her favour alone. In fact, father of the plaintiff had also paid the broker fees, stamp duty for the sale deed and spent a lot of money in the renovation of the said property, where she with her husband are running clinic. Certain issues may have to be framed taking into account the

averments in the plaint for which evidence is required to be led. The same cannot be cut short by dismissing the suit by invoking order 7 Rule 11 CPC.

Dismissed accordingly.

(NIRMALJIT KAUR)
JUDGE

26.9.2019

sharmila

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No