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

**CR No.3174 of 2017(O&M)
Date of Decision: 15.11.2019**

**RICO ALUMINIUM AND FERROUS AUTO COMPONENTS
LTD.**

.....Petitioner

Vs

BHOOP SINGH AND ANR.

.....Respondents

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

Present:Ms. Bhanvi Sood, Advocate
for the petitioner.

Mr. Ashok Tyagi, Advocate
for respondent No.1.

None for respondent No.2.

RAJ MOHAN SINGH, J.(Oral)

It is not in dispute that contract of personal service cannot be specifically enforced through a Court by means of declaratory suit unless and until well recognized exceptions are attracted to the general rule of law i.e. violation of principles of natural justice while dispensing with the services of the plaintiff. It is equally well settled that at the time of consideration of application under Order 7 Rule 11 CPC, only averments in the

plaint are to be seen. If the allegations in the plaint are vexatious and meritless and do not disclose any cause of action, it is the duty of the Court to exercise its power. If clever drafting has created the illusion of a cause of action, it should be nipped in the bud at the first hearing by examining the party under Order 10 C.P.C. Whether a case falls under well recognized exceptions to general rules or not the defendants would be at liberty to avail the remedy provided under Order 10 C.P.C. and then resort to the lawful mechanism in view of the ratio of law laid down by Hon'ble Apex Court in 'The Church of Christ Charitable Trust & Educational Charitable Society Vs. M/s Ponnamman Educational Trust, 2012 (8) SCC 2006'.

For the reasons recorded hereinabove, this revision petition is disposed of with the aforesaid observations.

15.11.2019

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No