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

CR-2319-2020 (O&M)
Date of decision: 27.10.2020

Keshar

...Petitioner

Versus

Surajbhan and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Krishan Singh, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

The defendant-petitioner has filed this revision petition under Article 227 of the Constitution of India seeking setting aside of the order dated 31.08.2020 dismissing the application filed under Order 7 Rule 11 CPC for rejecting the plaint.

The plaintiff-respondent filed a suit for declaration by way of foreclosure of the mortgage with consequential relief. It is a case of the plaintiff that the predecessor of the defendants executed a registered mortgage deed dated 02.05.2008 for a period of two years. It is pleaded that the mortgage of the land could be redeemed only upto 01.05.2010 failing which the mortgage did not remain redeemable and rather it amounted to complete sale.

Learned trial Court, on examining the plaint, has held that the

plaint cannot be rejected as the plaint discloses the cause of action and the suit is not barred by any provision of the statute.

Learned counsel for the petitioner refers to judgment passed by this Court in RSA No.3569 of 2012 decided on 21.05.2020, titled as Bimla Devi and others Vs. Parvesh Kumar.

This Court has examined the aforesaid judgment. The issue which has been decided by this Court, can at the best be their defence in the suit, however, the plaint, at outset, cannot be rejected on this ground. Hence, there is no ground to interfere.

Accordingly, the present petition is dismissed.

27.10.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No