

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

Sr. No.113

Civil Revision No.910 of 2021

Date of Decision : September 02, 2021

Naveen Kumar

...Petitioner

Versus

Kulbhushan Bhardwaj and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Naveen Kumar, Advocate, for the petitioner.

SUDHIR MITTAL, J. (ORAL)

This revision petition is directed against order dated 12.01.2021 (Annexure P-2) whereby application filed by defendant No.1-petitioner under Order 7 Rule 11 CPC has been dismissed.

Plaintiff-respondent No.1 has filed a suit for specific performance of agreement to sell dated 24.02.2012. According to the plaint, the total sale consideration was Rs.8 lacs. Earnest money of Rs.2 lacs had been paid and the balance was to be paid at the time of registration of sale deed. The date of registration of the sale deed was after payment of last instalment of the property in dispute, being a property allotted by defendant No.2-respondent No.2.

An application under Order 7 Rule 11 CPC was filed by the defendant No.1-petitioner on the ground that the suit did not reveal any cause of action.

It has been submitted that the suit was filed prior to payment of the last instalment and thus, the plaintiff was not the owner of the property

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in dispute. Thus, the plaint did not reveal a cause of action and deserves to be rejected.

The argument cannot be accepted. Cause of action is a bundle of facts entitling the person aggrieved to approach a court of law. In the instant case, the suit was filed because the agreement to sell provided that defendant No.1-petitioner was required to pay the instalments due after the date of the agreement. Instalments have admittedly not been paid and thus, it is erroneous to state that the plaint does not reveal a cause of action.

The trial Court has considered the matter in the correct perspective and no interference is called for.

The revision petition is without merit and is dismissed.

September 02, 2021
Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No