

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

CR-142-2020 (O&M)

Date of decision: 28.10.2021

Shambhu Bhikha Lal Humbal

....Petitioner

Versus

Parth Aggarwal

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Veneet Sharma, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The defendant assails the correctness of the order passed by the learned trial court while dismissing his application for rejection of the plaint under Order 7 Rule 11 of the Civil Procedure Code, 1908 at the threshold. The petitioner claims that the plaint does not disclose any cause of action. Learned trial court on perusal of the plaint has observed that in para 10 of the plaint there is specific averment with regard to the cause of action.

It is well settled that the power to reject the plaint at the threshold should be exercised sparingly. In the facts of the case, this Court is of the considered view that the defendant has failed to make out a case for rejection of the plaint.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

28.10.2021

rekha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

**(ANIL KSHETARPAL)
JUDGE**