

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

CR No.1471 of 2022

Date of Decision: 31.05.2022

Joginder Pal

.....Petitioner

Versus

Raj Kumar and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Vivek Arora, Advocate
for the petitioner.

MEENAKSHI I. MEHTA, J. (Oral)

Feeling aggrieved by the order dated 16.11.2021 (Annexure P-1) passed by learned Civil Judge (Junior Division), Faridkot (for short 'the trial Court'), whereby the application moved by the petitioner-defendant No.1 (here-in-after to be referred as 'defendant No.1') and his co-defendants, under Order 7 Rule 11 CPC for seeking the rejection of the plaint in the civil suit filed by respondent No.1-plaintiff (here-in-after to be referred as 'the plaintiff') has been dismissed, defendant No.1 has preferred the instant revision petition.

2. I have heard learned counsel for the petitioner-defendant No.1 in this revision petition and have also perused the file carefully.

3. Learned counsel for defendant No.1 contends that vide the agreement Annexure P-5, defendant No.1 had agreed to sell the property in dispute to one Vivek Garg and it being so, the plaintiff had no *locus-standi*

to file the above-said civil suit against the defendants but the trial Court did not consider the above-said fact in the correct perspective and has, erroneously, dismissed the above-said application vide the impugned order.

4. However, the afore-raised contention is devoid of any merit because a bare perusal of the above-said application, i.e Annexure P-2, reveals that throughout therein, the defendants have not even whispered about the afore-said agreement to sell. Moreover, the question regarding the execution of the said agreement by defendant No.1 to sell the suit property to one Vivek Garg and therefore, the plaintiff having no *locus-standi* to file the above-said suit, would be, explicitly, a mixed question of law and fact and the same can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence that may be led by both the parties on the record in this regard and the same cannot be ascertained at this stage.

5. As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, infirmity, irregularity or perversity so as to warrant any interference by this Court. Resultantly, the petition in hand stands dismissed.

31.05.2022
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*