

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

CR-272-2016 (O&M)

Date of decision: 18.10.2022

Gaurav Deep Goel and others

...Petitioners

Versus

Radha Krishan and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.L.Goel, petitioner no.3 in person
 Mr. G.S.Jaswal, Advocate for respondent no.1 and 2

ANIL KSHETARPAL, J (Oral)

Through this revision petition, the defendant assails the correctness of the interlocutory order passed by the trial court on 22.09.2015 while dismissing as many as five applications filed by him. The petitioners have assailed its correctness by invoking supervisory jurisdiction under Article 227 of the Constitution of India. The petitioner no.3, who has appeared in person, presses only two applications. The first application is for rejection of the plaint on the ground that the plaint does not disclose any cause of action. It has been noticed that the plaintiffs (respondents herein) filed a suit for recovery of Rs.1,69,80,000/- on the basis of a memorandum of family settlement and a subsequent agreement between the parties. In para 15 of the plaint, the cause of action to file the suit which is based upon the agreement arrived at before the Permanent Lok Adalat and the sale deed of SCF no.4, Sector 22, Chandigarh has been disclosed. At the stage of deciding an application under Order VII Rule 11 of the Code of Civil Procedure, 1908, the court is only required to examine the contents of the plaint in order to find out whether proper cause of action has been pleaded or not

whereas, written statement of the defendant or other evidence, which may be brought by the defendants, is not allowed to be examined.

Keeping in view the aforesaid facts, no ground to reject the plaint as prayed for is made out. The petitioner further submits that the plaintiffs, despite request, have failed to produce the relevant documents. He submits that the plaintiffs, through their counsel, have made a statement that they are not in possession of the documents sought from them. The trial court has already observed that such statement, of the plaintiffs, has been taken into notice and the court shall form its opinion in accordance with the law.

The petitioner did not press any other point. Hence, no ground to interfere is made out.

Dismissed.

Learned counsel representing the respondent has informed the Court that after conclusion of the trial, the case is now fixed for final arguments.

Keeping in view the aforesaid facts, the trial court is directed to conclude the trial of the case positively within a period of one month, from today.

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

18.10.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE