

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

113

CR-3946-2018

Date of decision: 18.11.2022

SMT. KRISHNA DEVI AND ORS

..Petitioner

Versus

PAWAN KUMAR

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None.

ANIL KSHETARPAL, J(Oral)

This revision petition is listed for the preliminary hearing. It is pending for the last 4 years.

On 08.08.2018, the petition was adjourned on the request of Sh. K.K. Gaiind, Advocate. On 16.10.2019, he did not enter appearance. The case was adjourned.

Called twice.

The learned counsel representing the petitioner have failed to appear.

This Court has gone through the paperbook. The defendants in a suit for grant of decree of declaration that sale deed No.2423, dated 27.10.2016 is null and void with a consequential relief of permanent injunction, are the petitioners herein.

Their application under Order VII Rule 11 of the Code of Civil Procedure, 1908, was rejected by the trial Court on 10.01.2018. The plaint is sought to be rejected on the ground that the plaintiff has not paid the *ad valorem* Court fee and he has failed to plead the cause of action or on any of the grounds as mentioned in Order VII Rule 11 of CPC.

Admittedly, the plaintiff is not the executant of the sale deed.

Para 15 of the plaint reads as under:-

“That the cause of action arose to the plaintiff when the alleged agreement was arrived at. The cause of action arose when the plaintiff requested the defendants No.1 and 2 to admit the claim of the plaintiff and they flatly refused to accept the genuine requests of the plaintiff. The cause of action also arose when the defendant No.2 paid no heed to the genuine requests of the plaintiff. The cause of action is still continuing from day to day till today.”

Keeping in view the aforesaid facts, the trial Court has correctly dismissed the application.

Hence, no ground to interfere is made out.

Dismissed.

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

November 18th, 2022

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**(ANIL KSHETARPAL)
JUDGE**

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>