

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

109

**CR-667 of 2019(O&M)
Date of Order: 01.06.2022**

Yashpal Gulati

..Petitioner

Versus

Kulwinder Kaur and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vinay Puri, Advocate, for the petitioner.
Mr. Manipal Singh Atwal, Advocate, for respondent no.1 to 3.
Mr. Chetan Bansal, Advocate, for respondent no.4 and 5.

ANIL KSHETARPAL, J(Oral)

The petitioner herein is a defendant in a suit filed by the plaintiffs for grant of declaration. His application under Order 7 Rule 11 CPC for rejection of the plaint at the threshold has been dismissed by the trial Court on 23.08.2018. The court has observed that the objection taken by the defendant is required to be proved by leading evidence, therefore the plaint cannot be rejected.

This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

It is well settled that the power to reject the plaint under Order 7 Rule 11 CPC is required to be exercised only when the Court comes to a definite conclusion that the suit from the reading of the plaint is either not maintainable or barred under the law. Order 7 Rule 11 CPC enlists the various grounds on which the plaint can be rejected. The petitioner objects to the maintainability of the suit on the ground that there are certain findings in the rent proceedings. Such facts are required to be proved in evidence. Whether such findings would be binding or not is again the matter which is required to be decided after examining the facts of the each and every case.

The Rent Controller exercises a limited jurisdiction. However, the petitioner shall have liberty to pray for framing of a distinct issue on the objection, so taken, which shall be decided by the court along with the suit.

Keeping in view the aforesaid facts, the revision petition is disposed of.

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

June 01, 2022

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(ANIL KSHETARPAL)
JUDGE

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