

**119 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHAHDIGARH**

CR-946-2022

Date of decision: 17.03.2022

Bhag Singh(deceased) through his LRs

.... Petitioner

Versus

Gurdeep Singh and another

.... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. H.S.Aujla, Advocate
for the petitioner.

Manjari Nehru Kaul, J. (Oral)

Instant petition has been filed under Article 227 of the Constitution of India impugning the order dated 03.01.2022 (Annexure P-3) passed by Civil Judge (Jr. Division) Rajpura vide which an application under Order 7 Rule 11 CPC for rejection of plaint has been dismissed.

Learned counsel for the petitioner inter alia contends that the agreement to sell dated 23.12.2011 qua which relief of possession by way of specific performance has been sought by the respondent-plaintiff is a forged and fabricated document, which had never been executed by late Bhag Singh during his life time and even no amount had been received from the respondent-plaintiff as alleged in the suit. Rather the signatures of late Bhag Singh had been forged on the documents pertaining to land measuring 1 kanal 10 marlas out of 4 kanals 17 marlas being 30/97 share pertaining to Khewat/Khatauni No.81/81 Khasra No.174//7(4-17) situated in the abadi of village Manakpur Tehsil Rajpura District Patiala in connivance with the witnesses fraudulently.

Heard learned counsel and perused the impugned order passed by the Court below.

This Court does not find any merit in the submissions made by the learned counsel for the petitioners-defendants qua the challenge made to the agreement to sell dated 23.12.2011. The agreement to sell in question being a forged and fabricated document would be adjudicated upon only after appreciation of evidence and at this stage, the plaint cannot be rejected on this ground, more so, since it has been pleaded in the plaint that the cause of action in favour of the plaintiff-respondent had accrued only after the petitioner-defendant had refused to execute the sale deed, which was admittedly duly executed prior to the filing of the suit in question.

Accordingly, the present petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

17.03.2022
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No