

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

CR-1098-2021 (O&M)

Date of decision: 11.11.2022

M/s Phulchand Exports Pvt. Ltd.

....Petitioner

Versus

M/s Nahar Industrial Enterprises Limited and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Naveen Bawa, Advocate for the petitioner

Mr. Aalok Jagga, Advocate and
Mr. Harshit Anand, Advocate for respondent no.1

Mr. Harshit Sethi, Advocate for respondent no.2

ANIL KSHETARPAL, J (Oral)

The defendant's application to outrightly reject the plaint at the preliminary stage has been dismissed. The defendant claims that on account of the tripartite agreement, the previous agreement dated 17.02.2016, was never final. The plaintiff has filed a suit for grant of decree of declaration that the agreement dated 17.02.2016, which was confirmed by an email dated 23.02.2016, is final and concluded agreement. The trial court has rejected the application on the ground that in an application under Order VII Rule 11 of the Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC') the court is required to examine only the contents of the plaint. Challenging its correctness, this revision petition has been filed.

Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook. Order VII Rule 11

CPC incorporates a provision to enable the court to outrightly reject the plaint. Such a power is required to be exercised with circumspection and reasonablility. The parameters for applicability of Order VII Rule 11 CPC are well defined. The petitioner (defendant) wants to rely upon the tripartite agreement, which is required to be proved by it. Hence, no ground to interfere is made out.

Dismissed.

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

11.11.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE