

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

(123)

CR-1528-2022

Date of Decision : 27.04.2022

Sukhwinder Kaur and Another

.....Petitioners

Versus

Mohan Singh

.....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Varun Sharma, Advocate for the petitioners.

ALKA SARIN, J. (Oral)

This is a revision petition under Article 227 of the Constitution of India challenging the order dated 09.09.2021 passed by the Trial Court whereby an application filed by the defendant-petitioners under Order 7 Rule 11 CPC for rejection of the plaint has been dismissed.

Learned counsel for the defendant-petitioners would contend that the plaintiff-respondent had earlier filed a suit for permanent injunction for restraining the defendant-petitioners from installing a Dharam Kanda in the agricultural land and for mandatory injunction for directing the defendant-petitioners to demolish the construction made over the Dharam Kanda. It is further the contention that the earlier suit was dismissed as withdrawn on 26.06.2020 on the basis of a compromise and now the present suit has been filed on the same cause of action. It is also argued that the suit is barred by Order 2 Rule 2 CPC.

Heard.

The Trial Court has rightly dismissed the application under

Order 7 Rule 11 CPC inasmuch as at the time of deciding an application

under Order 7 Rule 11 CPC only the contents of the plaint need to be seen. Neither the application under Order 7 Rule 11 CPC nor the written statement filed by the defendants can be looked into at the time of deciding an application under Order 7 Rule 11 CPC. On a bare perusal of the plaint it cannot be said that the present suit was barred by law. Whether the present suit is barred would be an issue that would be gone into at the time of trial. It is trite that at the time of deciding an application under Order 7 Rule 11 CPC only the contents of the plaint need to be seen. There is no ground made out for rejection of the plaint in the present case.

In view of the above, I do not find any illegality or infirmity in the order passed by the Trial Court. The revision petition is devoid of any merit and the same is dismissed. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

April 27, 2022

sandeep

Whether speaking/reasoned :

Yes/No

Whether Reportable :

Yes/No