

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

CR-2177-2022 (O&M)

Date of decision: 31.08.2022

Prem Devi and another

....Petitioners

Versus

Kalpana

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.S.Brar, Advocate for the petitioners

Mr. Deepak Kaushal, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

While assailing the correctness of the interlocutory order passed by the trial court on 05.05.2022, the defendants have filed the present revision petition. The plaintiff is defendant no.2's wife whereas defendant no.1 is mother of defendant no.2. In other words, the suit has been filed by the wife against her husband as well as the mother-in-law. She has claimed a decree of declaration that she is owner of certain property and the transfer deed executed by her husband in favour of her mother-in-law is not binding on her rights. She has also prayed for consequential relief of injunction restraining defendant no.1 from alienating the suit property. In para 17, the plaintiff has pleaded that the cause of action accrued initially when the plaintiff came to know about the alleged transfer deed and finally, yesterday when defendant refused to admit the claim of the plaintiff. An application filed under Order VII Rule 11 of the Code of Civil Procedure, 1908 by the defendants (petitioners) has been dismissed.

Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook. Learned counsel representing the petitioners contends that the plaintiff has failed to disclose the cause of action for filing the suit, therefore, the plaint is required to be rejected at the threshold.

In para 17 of the plaint, the plaintiff has disclosed the cause of action. Hence, no ground to interfere with the order passed by the trial court is made out.

Dismissed.

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

31.08.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE