

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

**Civil Revision No.1929 of 2021
Date of Decision: 05th April, 2022.**

Priyanka & Another

....Revisionists-petitioners

Versus

Shyam Sunder & Others

....Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Munish Gupta, Advocate,
for the revisionists-petitioners.

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MEENAKSHI I. MEHTA, J.(ORAL)

Feeling aggrieved by the order dated 28.01.2021 (Annexure P-8) handed down by the Civil Judge (Junior Division) Narnaul (for short 'the trial Court') whereby the application preferred by the petitioners (arrayed as defendants No.1 & 2 in the Civil Suit) under Order 7 Rule 11 read with Section 151 CPC for seeking the rejection of the plaint, has been dismissed, they (petitioners) have chosen to prefer the instant revision petition.

Bereft of unnecessary details, the facts culminating in the present revision petition, are that respondents No.1 & 2 (plaintiffs before the trial Court) filed a Civil Suit against the petitioners and respondents-defendants No.3 & 4 as well as respondent-proforma defendant No.5 for seeking a decree for specific performance of the family settlement as arrived at and its written details as executed on 10.01.2020 in respect of the

suit property and for the actual possession of the said property. The petitioners moved the afore-said application for seeking the rejection of the plaint while, *inter-alia*, denying the factum of the execution of the said written family settlement qua the suit property and averring that respondents No.1 & 2 had no locus-standi and no cause of action to file the above-said Civil Suit. This application has been dismissed by the trial Court vide the impugned order.

I have heard learned counsel for the revisionists-petitioners in this revision petition and have also perused the file thoroughly.

Learned counsel for the petitioners contends that the petitioners had moved another application before the trial Court earlier for seeking direction to respondents No.1 & 2-plaintiffs to produce the above-said written family settlement but instead of deciding this application, learned trial Court proceeded to adjudicate upon the afore-mentioned application moved for rejection of the plaint and he further contends that in the impugned order, learned trial Court has made observations qua the merits of the Suit which were unwarranted and therefore, the impugned order is not legally sustainable and deserves to be set-aside.

However, I do not find any merit in the above-raised contentions because as regards the plea that before passing the impugned order, the trial Court did not decide the afore-mentioned application, as moved with a prayer to direct respondents No.1 & 2-plaintiffs to produce the said family settlement, it is pertinent to mention here that the said prayer itself speaks volumes of the fact that the questions of the

execution/non-execution of the said family settlement as well as of the locus-standi and cause of action to file the said Civil Suit, would be the mixed questions of law and facts and the adjudication thereof would require the appreciation and evaluation of the evidence as may be led by both the parties on the record in this regard.

Further, so far as the contention qua the observations made by the trial Court in the impugned order touching the merits of the case, is concerned, it is again worth-while to point it out here that in the concluding lines of the impugned order itself, the trial Court has observed that the plea of petitioner-Rinki Aggarwal regarding her signatures having been obtained on the blank page, could be probed only after taking the evidence.

As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, infirmity, irregularity or perversity so as to warrant any interference by this Court. Resultantly, the present revision petition, being *sans* any merit, stands dismissed.

05.04. 2022.
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(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>