

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

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**CR-6285 of 2019 (O&M)
Date of decision: 23.11.2022**

Harwinder Singh

..Petitioner

Versus

Jagjinder Singh and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. L.S. Sidhu, Advocate
for the petitioner.

Ms. Nargis, Advocate, for
Mr. Pardeep Singh Mirpur,
for respondent no.1 and 2.

ANIL KSHETARPAL, J(Oral)

The plaintiff in a suit for grant of decree of permanent injunction, is the petitioner herein.

The defendants have filed the counter claim. An application filed by the plaintiff to reject the counter claim, at the threshold, has been dismissed. This revision petition has been filed challenging the correctness of order dismissing the petitioner's application under Order VII Rule 11 CPC. The petitioner claims that in the counter claim, the defendants have included the land comprised in Khewat No.26, which is beyond the scope of the suit.

The Court, while passing the order, has already observed that this matter can be properly examined only after both the parties lead their respective evidence.

This Bench has heard the learned counsels representing the parties at length and with their able assistance perused the paper book.

At the stage of deciding an application under Order VII Rule 11 CPC, the Court is required to examine the contents of the plaint only. The counter claim is in the nature of a plaint. The trial court has expressed its inability to reject the plaint, at the threshold, in the absence of examining the evidence. The objection of the petitioner has already been kept open by the Court.

Keeping in view the aforesaid facts, no ground to interfere is made out.

Hence, dismissed.

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

November 23, 2022
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*