

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

CR-5162-2022

Date of decision:-15.11.2022

M/s Prime Infracon Pvt. Ltd.

...Petitioner

Versus

Karambir and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Vishav Bharti Gupta, Advocate
for the petitioner.

H.S. MADAAN, J.(ORAL)

1. M/s Prime Infracon Pvt. Ltd., New Delhi, which is one of the defendant in a civil suit for permanent injunction filed by plaintiff Karambir pending in the Court of Addl.Civil Judge(Sr.Divn.) Pataudi, feeling aggrieved by order dated 6.8.2022 passed by the trial Court dismissing its application under Order 7 Rule 11 read with Section 151 CPC has knocked at the door of this Court by way of filing the present revision petition.

2. Briefly stated, facts of the case are that plaintiff Karambir had brought a civil suit in question against defendants M/s Prime Infracon Pvt. Ltd., New Delhi and one Ombir contending that he is in possession of suit land owned by defendant No.1 situated at village Patli, Tehsil Farrukh Nagar, District Gurugram, Haryana; under an agreement to sell with such defendant No.1 and he has already paid a sum of Rs.50 lakhs to such defendant but defendant No.1 is delaying the matter and not executing the

sale deed in favour of the plaintiff; the plaintiff had got registered an FIR against Ashok Mittal, Proprietor of defendant No.1 but Ashok Mittal managed to get a cancellation report filed though in the police inquiry it was observed that Ashok Mittal had received Rs.20 lakhs from the plaintiff.

3. On getting notice, defendant No.1 appeared and filed written statement contesting the suit denying any agreement to sell having taken place between the plaintiff and defendant No.1 through Ashok Mittal or plaintiff having paid any amount to Sh.Ashok Mittal under any alleged agreement to sell alleging that plaintiff approached the Court suppressing material facts and making misrepresentations. Such defendant prayed for dismissal of the suit.

4. Defendant had filed an application under Order 7 Rule 11 CPC for rejection of plaint, which was resisted by the plaintiff.

5. Vide the impugned order dated 6.8.2022, the trial Court had dismissed that application.

6. Feeling aggrieved by the said order, the defendant has approached this Court by way of filing the present revision.

7. I have heard learned counsel for the revisionist besides going through the record.

8. As per the reasoning given by the trial Court in the impugned order, the plaintiff is claiming himself to be owner in possession of the suit property and is not seeking possession, therefore at this stage, Court fee is not found undervalued as pleaded by defendant No.1 and furthermore, the objections taken by the defendant No.1 that no cause of

action arose to the plaintiff to file the suit and suit of the plaintiff is barred by limitation are mixed question of law and facts, which can only be decided after taking evidence from both the parties, therefore, no reason was there to reject the plaint. The application filed was not found to be within four corners of Order 7 Rule 11 CPC and it was rejected accordingly.

9. There is no reason to disagree with the observations by the trial Court that the objections raised by the defendant No.1 do not fall within the parameters of Order 7 Rule 11 CPC, therefore rejection of the plaint was not called for. The defendant No.1 is feeling aggrieved by that order unnecessarily. The order passed by the trial Court is detailed and well reasoned. This order does not come out to be suffering from any illegality or infirmity much less apparent on the face of it. The order is certainly not perverse or passed in an arbitrary manner. The revisional jurisdiction of this Court is quite limited and considering the facts and circumstances of the case, there is no reason to interfere with the impugned order by way of exercising the revisional jurisdiction. No substantial question of law or fact arises in this case.

10. Thus, finding no merit in the civil revision petition, the same stands dismissed.

15.11.2022
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No