

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

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**CR-6711 of 2019
Date of Order: 28.04.2022**

Rajender Kumar and others

..Petitioners

Versus

Gian Chand and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.R.S.Rangpuri, Advocate, for the petitioners.
Mr. P.S.Jammu, Advocate, for the respondents.

ANIL KSHETARPAL, J(Oral)

While assailing the correctness of an interlocutory order passed by the trial Court, the defendants have filed the present revision petition. An application filed under Order 7 Rule 11 CPC to reject the plaint at the threshold has been dismissed.

The learned counsel representing the petitioners contends that the suit does not disclose cause of action and therefore, the trial Court has erred in dismissing the application.

A copy of the plaint has been produced. Para 9 of the plaint reads as under:-

“9. That the cause of action for the present suit arose firstly on came to know of the forged and fabricated sale deed and thereafter on each and every approach of the plaintiffs to the defendants and lastly about a week back, when the defendants refused to admit the request of the plaintiffs and threatened with dire consequences to dispossess them from the suit land and the same still continuous, hence this suit.”

The learned counsel representing the petitioners contends that the plaintiff is son of late Sh. Om Parkash, who has sold the property in favour of the defendants. He submits that the plaintiff alleges that Om Parkash was not owner of some part of the property which is subject matter

of the sale deed. He submits that the owner of the aforesaid part has not been impleaded as party.

In the considered view of the Court, it will not be appropriate to reject the plaint at the threshold on this ground. The plaintiff has specifically asserted that late Sh. Om Parkash, at the time of execution of the sale deed, was not owner of part of the property which was sold to the defendants. Such matter is required to be investigated. The evidence in this regard has to be led in order to prove that fact. It is well settled that no one can pass better title than what he has.

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

Dismissed.

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

April 28, 2022

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**(ANIL KSHETARPAL)
JUDGE**

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