

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 931 of 2018 (O&M)

Date of Decision: 13.09.2022

Bakshish Singh

... Petitioner(s)

Versus

Gram Sabha, Chaswal and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Vikas Singh, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. An application filed under Order VII Rule 11 CPC has been dismissed by the trial Court on the ground that there is no reason to reject the plaint at its threshold. The correctness of the aforesaid order has been challenged by filing the present revision petition under Article 227 of the Constitution of India.

2. It is evident that the plaintiffs, apart from seeking declaration that the order passed by the District Revenue Officer dated 19.02.2014, is illegal and without jurisdiction, have also prayed for grant of decree of permanent injunction while claiming that the suit land is a public passage and such land cannot be allotted by the authorities under the East Punjab Holdings (Consolidation and Fragmentation) Act, 1948, to the defendants.

The trial Court has held that the defendants have failed to make out a case for rejection of the plaint in exercise of its powers under Order VII Rule 11

of the Code of Civil Procedure, 1908.

3. In the facts of the present case, particularly when the plaintiffs also pray for grant of decree of permanent injunction claiming that there is a public passage, which is sought to be encroached upon by the defendants, no ground is made out to reject the plaint. However, it shall be open to the petitioner to take all the objections before the trial Court

4. In view of the aforesaid facts, the present revision petition is dismissed. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

September 13, 2022

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No