

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

215+110

2023:PHHC:085885

**CR-6393-2017 (O&M)
Date of decision: 07.07.2023**

AMAR SINGH

..Petitioner

Versus

RAJPAL SINGH (DECEASED) THROUGH LRS. AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ravinder Singh Randhawa, Advocate
for the petitioners.

Mr. Nakul Sharma, Advocate
for respondents

ANIL KSHETARPAL, J(Oral)

CM-11684-CII-2023

1. For the reasons stated in the application which is supported by an affidavit, the application for bringing on record the legal representatives of deceased late Sh. Rajpal Singh [respondent No.1], is allowed, subject to all the just exceptions.

2. The amended memo of parties is taken on record.

3. CM stands disposed of.

Main case

4. The petitioner herein is defendant No.3 in a pending suit. An application filed under Order VII Rule 11 of the Code of Civil Procedure, 1908, to reject the plaint on the ground that the jurisdiction with regard to the eviction of an exclusive tenant has been dismissed by the trial Court. Challenging its correctness, the present revision petition has been filed.

5. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

6. The learned counsel representing the petitioner while referring to para 2, 3 and 4, submits that it is the admitted case of the plaintiffs that the defendants were given the land on lease. Hence, the jurisdiction of Civil Court stands excluded.

7. On the other hand, the learned counsel representing the respondents contends that in para 2 of the plaint itself, the plaintiffs have asserted that after the expiry of the lease period, the possession of the defendants is unauthorized. He further submits that the defendants while filing the written statement have not admitted the relationship of landlord and tenant and have set up a plea of prescription of property by way of adverse possession.

8. This Court has considered the submissions of the learned counsel representing the parties.

9. A plaint filed before the Civil Court can be rejected in accordance with the parameters laid down in Order VII Rule 11 of the Code of Civil Procedure, 1908. If the jurisdiction of the Civil Court is excluded, then, the plaint can be rejected, however, in the present case, it is not a simplicitor litigation between the landlord and tenant with respect to the agricultural land. On the one hand, the plaintiffs assert that on expiry of the lease period, the possession of the defendants is unauthorized, whereas, on the other hand, the defendants have denied relationship of landlord and tenant. Moreover, the defendants have also claimed ownership by adverse possession.

10. In such circumstances, it would not be appropriate for the Court to reject the plaint. Thus, the order passed by the Civil Court dismissing

application under Order VII Rule 11 of the Code of Civil Procedure, 1908,
has correctly been passed.

- 11. Disposed of accordingly.
- 12. All the pending miscellaneous applications, if any, are also
disposed of.

July 07th, 2023

(ANIL KSHETARPAL)
JUDGE

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