

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

(131)

CR No.4285 of 2023

Date of Decision:10.08.2023.

Sohan Singh @ Sohna Singh**.....Petitioner****Versus****Baljinder Singh and others****..... Respondents*****CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL***

Present: Mr. Parminder Singh, Advocate
for the petitioner.

VIKRAM AGGARWAL, J. (ORAL)

1. The present revision petition assails the order dated 21.05.2022 (Annexure P-8) passed by the Civil Judge (Junior Division), Bathinda, vide which the application filed by the present petitioner under Order 7 Rule 11 CPC (Annexure P-6) for rejection of the plaint was dismissed.

2. Respondents/defendants No.1 and 2 filed a Civil Suit (Annexure P-3) impleading the present petitioner-Sohan Singh @ Sohna Singh, his son Bhupinder Singh @ Nardev Singh and wife Gurnam Kaur as defendants. The plaintiffs in the said case i.e. Baljinder Singh and Sukhwinder Singh are also the sons of the petitioner. An application (Annexure P-6) was filed by the petitioner under Order 7 Rule 11 CPC for rejection of the plaint on the ground that he had also filed a suit (Annexure P-1) in which both Baljinder Singh and Sukhwinder Singh were parties. It was the case of the petitioner in the application that respondents/defendants No.1 and 2 could take their stand in the said suit or could file counter-claim but it was not permissible for them to file a separate suit. The

application was opposed by way of a reply (Annexure P-7). Vide impugned order dated 21.05.2022 (Annexure P-8), the said application was dismissed giving rise to the present revision petition.

3. I have heard learned counsel for the petitioner and have also perused the paper book.

4. Learned counsel for the petitioner has submitted that the trial Court gravely erred in rejecting the application filed by the present petitioner under Order 7 Rule 11 CPC for rejection of the plaint. It has been submitted that respondents/defendants No.1 and 2 should have pleaded their version in response to the Civil Suit (Annexure P-1) filed by the petitioner or they could have filed a counter-claim. Learned counsel has submitted that no party can be permitted to abuse the process of law and, therefore, the application for rejection of plaint deserved to be allowed by the trial Court.

5. I have considered the submissions made by learned counsel for the petitioner.

6. It is settled law that while deciding an application under Order 7 Rule 11 CPC only the plaint has to be looked into. A bare perusal of the plaint (Annexure P-3) would show that there is no reference to the Civil Suit filed by the present petitioner nor any document pertaining to the said litigation had been attached with the plaint. Under the circumstances, no case would be made out for rejection of the plaint. The trial Court, in the considered opinion of this Court, did not commit any illegality in rejecting the application because the said application did not fulfill the parameters as laid down by Order 7 Rule 11 CPC. The suit filed by the petitioner, on the basis of which the plaint was sought to be rejected, was a suit for permanent injunction simpliciter whereas the present suit was a suit for mandatory injunction, declaration and permanent injunction. The cause of action

was, therefore, entirely different. The trial Court, in the opinion of this Court, rightly came to the conclusion that the plaint was not liable to be rejected.

In view of the above, I do not find any reason to interfere in the impugned order. The revision petition is accordingly dismissed.

August 10th, 2023
Rekha

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.