

2023:PHHC:093995

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

CR-3777-2023 (O&M)
Date of Decision: 25.07.2023

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KULWANT SINGH

.....Petitioner

Versus

GURDEEP KAUR AND OTHERS

.....Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Ms. Sumanpreet Aulakh, Advocate for the petitioner.

GURBIR SINGH, J (ORAL)

This revision petition is filed under Article 227 of the Constitution of India before this Court with a prayer for quashing the impugned order dated 29.03.2023 passed by learned Civil Judge (Junior Division) Patiala vide which the application dated 03.08.2023 (Annexure P-3) under order VII Rule 11 of CPC filed by the petitioner/defendant No.2 was dismissed wrongly and illegally may kindly set aside.

Learned counsel for the petitioner argues that the plaintiff/respondent Nos. 1 to 6 were already knowing the decree dated 02.08.1991 and it is challenged after about 32 years. Moreover, defendant No.2 himself transferred a part of the land in favour of defendant No.1.

Heard.

I have also known that the scope of order 7 Rule 11 is very limited. The learned trial Court has referred to order 7 Rule 11 CPC in its order and arrived to the conclusion that the contentions raised by the petitioner/defendant No.2 are a matter of evidence which cannot be decided at this stage and would be decided after appreciation of cogent and convincing evidence.

Keeping in view the decrees passed on the basis of admission as per family settlement and satisfaction of the plaintiff/respondents that he came to know about passing of the order on 27.04.2022 and same is result of fraud, collusion, misrepresentation and concealment of material facts so this court is also of the view that without evidence these facts can not be decided .

There is no infirmity or legality in the impugned order. The suit is not barred by any law and is based on cause of action.

Petition is without any merit and is dismissed.

25.07.2023
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(GURBIR SINGH)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No