

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

(251)

CR-6807-2019

Date of Decision : February 28, 2023

HDB Financial Services Ltd.

.. Petitioner

Versus

Gurcharan Singh and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Nitin Thatai, Advocate, for the petitioner.

Mr. I.S. Brar, Advocate, for respondent No.1.

HARSIMRAN SINGH SETHI J. (ORAL)

Present civil revision petition has been filed for setting aside the order dated 02.09.2019 (Annexure P-4) passed by the Civil Judge (Jr. Division), Gidderbaha by which, the application filed by the petitioner under Order 7 Rule 11 of the CPC for rejection of the plaint, has been dismissed.

Learned counsel for the petitioner argues that in the facts and circumstances of the present case, the rejection of the application filed by the petitioner under Order 7 Rule 11 of the CPC is contrary to the facts on record and as there is no relationship between the petitioner and respondent No.1, who has allegedly purchased the vehicle in question from defendant No.2, the plaint should have been dismissed.

Learned counsel for respondent No.1 submits that in the present case, though initially the vehicle was purchased by respondent No.2 from the petitioner but thereafter, the said vehicle was purchased by respondent No.1 from respondent No.2 with clear indication that henceforth, the installment will be deposited by respondent No.1 with the petitioner and in fact, three installments deposited by respondent No.1 has been accepted by the petitioner hence, claiming that there is no relationship between respondent No.1 and the petitioner, is incorrect.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

For deciding an application under Order 7 Rule 11 of the CPC, only the averments made in the plaint are to be seen as to whether, the same make out a case against the defendant or not. In the present case, in paragraph 6, it has been duly mentioned that after the purchase of the vehicle from respondent No.2, respondent No.1 deposited the installments from the month of January 2018 upto September 2018, which were accepted by the petitioner, hence, it cannot be said that the claim of the petitioner that they have no role to play qua the respondent No.1 with regard to the purchase of the vehicle and he was not recognized as a buyer by the petitioner company, is a subject matter of the evidence which will come on record.

The order passed by the trial Court rejecting the said application cannot be treated as perverse or contrary to the facts which have come on record.

Keeping in view the above, no ground is made out for any interference by this Court in the impugned order.

Dismissed.

February 28, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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