

2023:PHHC:155242

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

CR-6284-2023 (O&M)
Date of decision: 05.12.2023

Rajbir Singh @ Rajbir Bhadana

...Petitioner

Versus

Rishipal and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Rahul Vohra, Advocate for
Mr. Aditya Jain, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

1. Learned trial court has refused to reject the plaint in the exercise of its enabling powers under Order VII Rule 11 of the Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC'). The correctness of the aforesaid order has been challenged in this revision petition.

2. The petitioner (defendant) prays for rejection of the plaint on the ground that the land is Shamlat Deh and a previous suit filed by the plaintiff was disposed of on the basis of compromise.

3. The trial court has observed that from the reading of the plaint, it is not possible to hold that the disputed land is Shamlat Deh. On the similar ground, the second objection has also been rejected.

4. Learned counsel representing the petitioner again reiterates the same arguments. On a Court question, he admits that

from the reading of the plaint, it is not clear whether the land is Shamlat Deh or not. However, he submits that it could be seen from the copy of the jamabandi, which has been produced in evidence. At this stage, while deciding the application under Order VII Rule 11 CPC, only contents of the plaint are required to be examined. Moreover, it is open to the petitioner to take objection while defending the suit.

5. Hence, no ground to interfere is made out.

6. Dismissed.

7. All the pending miscellaneous applications, if any, are also disposed of.

05.12.2023

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No