

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

**CIVIL REVISION No.5977 of 2022 (O&M)
DATE OF DECISION : 18.05.2023**

Dr. Rajnish Kumar

.....Petitioner

versus

Gurpreet Singh

.....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sahil Khunger, Advocate for the petitioner

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ALKA SARIN, J. (Oral):

1. The present petition has been filed under Article 227 of the Constitution of India challenging the order dated 18.10.2022 whereby the application under Order 7 Rule 11 read with section 151 of the Code of Civil Procedure, 1908 (CPC) for rejection of the plaint filed by the defendant-petitioner has been dismissed.

2. Brief facts relevant to the present *lis* are that the plaintiff-respondent filed a petition under Section 24 of the Punjab Rent Act, 1995 for possession of a portion measuring 173 sq. feet out of a shop constructed in 02 marlas 68 sq. feet situated in Mohalla Jassewala, Tehsil and District

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Tarn Taran. The defendant-petitioner filed an application for rejection of plaint under Order 7 Rule 11 CPC on the ground that the plaint does not disclose any cause of action. A reply was filed to the application. Vide the impugned order dated 18.10.2022 the application has been dismissed.

3. The only argument raised by the learned counsel for the defendant-petitioner is that no ejectment petition is maintainable against a co-sharer and hence the application under Order 7 Rule 11 CPC ought to have been allowed.

4. Heard.

5. In the present case a perusal of the ejectment petition, which has been appended with the revision petition as Annexure P-1, reveals that the defendant-petitioner has nowhere been referred to as a co-sharer. On a pointed query put by this Court to the learned counsel as to whether there was any averment in the plaint that the defendant-petitioner is a co-sharer in the property, the learned counsel has candidly admitted that there was no such averment. It is trite that while deciding an application under Order 7 Rule 11 CPC only the contents of the plaint are to be seen. No other argument has been raised.

6. In view of the above, the present revision petition is devoid of any merits and is accordingly dismissed. Pending applications, if any, also stand disposed off.

18.05.2023
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking Whether reportable: YES/NO
