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

CR-4640-2024 (O&M)

Date of Decision : 27.11.2024

Sarwan Singh

... Petitioner(s)

Versus

Kuljinder Kaur And Others

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Arvind Kashyap, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

1. The present revision petition has been preferred challenging the order dated 19.07.2024 whereby the application filed by the defendant No.1-petitioner under Order 7 Rule 11 of the Code of Civil Procedure, 1908 (CPC) has been dismissed.

2. Brief facts relevant to the present *lis* are that the plaintiff-respondent Nos.1 and 2 filed the present suit for joint possession as owners of land in three villages fully described in the plaint as also challenging certain sale deeds executed by the defendant No.1-petitioner in favour of the defendant Nos.2 and 4 to 6 (respondent Nos.3 and 5 to 7 herein) as being null and void and without consideration. The defendant No.1-petitioner herein filed an application under Order 7 Rule 11 CPC for rejection of the plaint on the ground that the property was not valued for the purposes of court fees and that the property is not ancestral as averred in the plaint. Reply was filed to the said application and vide the impugned order the application has been dismissed.

3. The only argument raised by the learned counsel for the defendant No.1-petitioner is that the property is not ancestral in nature as can be seen from the mutations which have been attached with the plaint.

4. I have heard the learned counsel for the defendant No.1-petitioner.

5. The question whether the property is ancestral in nature or not is not a question to be gone into in an application filed under Order 7 Rule 11 CPC. Whether the property is ancestral in nature is a question qua which an issue needs to be framed and evidence led. In the absence of any issue and evidence, there possibly cannot be any finding by the Court regarding the ancestral nature or otherwise of the suit property.

6. Order 7 Rule 11 CPC reads as under :

“1. Particulars to be contained in plaint - The plaint shall contain the following particulars :

(a) the name of the Court in which the suit is brought;

(b) the name, description and place of residence of the plaintiff;

(c) the name, description and place of residence of the defendant, so far as they can be ascertained;

(d) where the plaintiff or the defendant is a minor or a person of unsound mind, a statement to that effect;

(e) the facts constituting the cause of action and when it arose;

(f) the facts showing that the Court has jurisdiction;

(g) *the relief which the plaintiff claims;*

(h) *where the plaintiff has allowed a set-off or relinquished a portion of his claim, the amount so allowed, or relinquished; and*

(i) *a statement of the value of the subject-matter of the suit for the purposes of jurisdiction and of court-fees, so far as the case admits”*

The grounds of rejection of the plaint have clearly been enunciated in the said provisions of law. The Court at this stage cannot go into the merits and demerits of the case. That being so, no fault can be found with the impugned order passed by the Trial Court.

7. In view of the above, I do not find any merit in the present revision petition. The same being devoid of any merits is accordingly dismissed. Pending applications, if any, also stand disposed off.

27.11.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

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