

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 6018 of 2023

Date of Decision: 19.01.2024

Charanjit Singh

... Petitioner(s)

Versus

Paramjit Kaur and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Ashish Soi, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. The petitioner herein is a defendant in the plaintiff’s suit for the grant of decree of permanent injunction which was filed in the year 2016.
2. The respondent No.1 claims to be the owner in possession of the property on the basis of a registered sale deed executed in her favour. The aforesaid suit is being contested by the defendants.
3. The petitioner herein is the defendant No.1. During the pendency of the suit, he filed an application for dismissing the suit summarily which was dismissed by the trial Court. The correctness of the aforesaid order has been challenged in this revision petition.
4. On Court’s question, the learned counsel representing the petitioner submits that under Section 151 of the Code of Civil Procedure, 1908 (hereinafter referred to as “CPC”), the Court has inherent powers to pass an order.
5. The procedure in the civil suit is regulated by the CPC. Order VII Rule 11 CPC enlists certain grounds for rejection of the plaint at the

cannot be rejected. The Code of Civil Procedure does not envisage dismissal of every suit without permitting the parties to lead evidence. Under the inherent powers, the Court may pass appropriate orders, however, that cannot be passed in a case where the parties are required to lead evidence particularly when the disputed questions of facts are involved.

6. The learned counsel representing the petitioner has referred to certain observations made in the interim orders passed by the Court while deciding the application for production of documents on 19.12.2019 and 18.07.2022. Those observations have been made in the order for the purpose of deciding the application and cannot be construed as the final expression on the merits of the case. In a nutshell, it is the case of the petitioner that the sale deed in favour of the plaintiff was executed by the power of attorney holder of the original owner which was cancelled. However, the cancellation of the general power of attorney before execution of the sale deed in favour of the plaintiff remains to be proved. The parties to the dispute are also required to prove that the aforesaid cancellation was duly communicated to the general power of attorney holder. Hence, at this stage, there is no ground to reject the plaint.

7. Keeping in view the aforesaid facts and discussion, finding no merits, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

January 19, 2024
“DK”

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