

2024:PHHC:036669
**130 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-6068-2022 (O&M)

Date of decision: 13.03.2024

Om Parkash and others

....Petitioners

Versus

Ashok Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Himanshu Sharma, Advocate for the petitioners
Mr. Rajesh Gupta and
Ms. Manjula Gupta, Advocates for respondent no.1 and 2

ANIL KSHETARPAL, J (Oral)

1. This revision petition has been filed to assail the correctness of the trial court's order dismissing the petitioners' (defendants') application under Order VII Rule 11 of the Code of Civil Procedure, 1908 to reject the plaint at the threshold.

2. Learned counsel representing the petitioners contends that the respondents (plaintiffs) while filing the suit has not disclosed the description of the property. Hence, the suit is not maintainable. He further contends that the plaintiffs have not disclosed the cause of action for filing the suit.

3. From the reading of the caption of the aforesaid, it is evident that the plaintiffs claim to be co-sharer of the land comprised in khewat no.11 khatauni no.18. It has been mentioned that parties are co-sharers in 99 kanals 11 marlas land. Thus, it is evident that the plaintiffs while filing the suit have given some description of the property. In para 7 of the plaint, the plaintiffs have asserted that the defendants should be

restrained from creating hurdle on the usage of the passage.

4. Keeping in view the aforesaid facts, this Court does not find it appropriate to interfere in the order passed by the trial court. Needless to observe that the petitioners shall have liberty to pray to the trial court for culling out distinct and separate issue on the objection, which may be taken by the defendants, while filing the written statement.

5. Disposed of.

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

13.03.2024

rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No