

CR-151-2025(O&M)

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

CR-151-2025(O&M)

Date of decision:-14.01.2025

Sanjeev Handa

...Petitioner

Versus

Virender Kumar and others

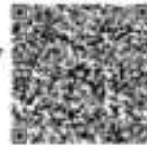
...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL**Present** : Mr. Sunil Goswami, Advocate
for the petitioner.

SUVIR SEHGAL, J.(ORAL)

1. By way of instant petition filed under Article 227 of the Constitution of India, petitioner – defendant No.1 has approached this Court for setting aside order dated 04.12.2024, Annexure P7, passed by the learned Civil Judge (J.D.), Shahabad whereby an application dated 08.05.2023, Annexure P5, filed under Order 7 Rule 11 read with Section 151 CPC for rejection of the plaint has been declined.

2. Counsel for the petitioner submits that respondent No.1 – plaintiff filed a suit for declaration to the effect that the change in house tax entries of three shops from the name of the plaintiff to that of defendants No.1 and 2 by the Municipal Committee, defendant No.3 is illegal, null and void and for restraining the contesting defendants from alienating the suit property or for dispossessing him from the property. Counsel urges that respondent No.1 does not have any concern with the suit property and the civil suit is an attempt to grab the property on the

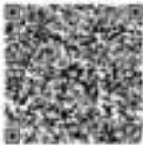
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basis of forged house tax receipts and other documents, which do not prove his title.

3. I have heard counsel for the petitioner and considered his submissions besides examining the documents placed on the record.

4. A perusal of the plaint, Annexure P1, shows that plaintiff has pleaded that his father Om Parkash was the owner of the suit property and after his death, a family settlement took place on 07.02.2020 and he became owner of the suit property. He claims that the ownership was transferred in his name in the assessment register of Municipal Committee. Reference has also been made by him to the affidavits of other legal heirs of Om Parkash. Alleging that the defendant No.1 had an eye on the property, plaintiff averred that he has changed the house tax assessment record in collusion with the officials of Municipal Committee to his name on the basis of a forged release deed dated 07.01.2020. He has challenged the release deed by way of civil suit, Annexure P1, and also sought permanent injunction restraining both the defendants from alienating the suit property or interfering in his possession. Upon being served, suit is being contested by the Municipal Committee, Shahabad Karkanda – respondent No. - 2 by filing a written statement, Annexure P11.

5. An examination of the stand taken by the plaintiff show that the property was originally allotted to Ishar Dass, who was grandfather of the contesting parties. Dispute between the parties is regarding the inheritance of the Property. The question as to whether there is a family settlement between them and the plaintiff has become the owner of the suit property, is to be determined on the basis of the evidence lead by



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the parties. At this stage, it cannot be said that the plaint does not disclose any cause of action. Application filed by the petitioner for rejection of plaint has been rightly rejected by the Trial Court. Impugned order does not call for any interference.

- 6. Revision petition being devoid of merit is dismissed.
- 7. Pending application, if any, is disposed off.

(SUVIR SEHGAL)
JUDGE

14.01.2025
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No