



CR-1527-2025

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

(242)

CR-1527-2025

Date of Decision:-01.09.2025

Manpreet Kaur

.....Petitioner

Versus

Darshanjit Kaur and Others

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. N.S. Dadwal, Advocate,
for the petitioner.

Mr. Rajan Singh Dadwal, Advocate,
for the respondent No.1.

AMARINDER SINGH GREWAL, J. (Oral)

1. The present civil revision under Section 227 of Constitution of India for setting aside the impugned order dated 07.01.2025 (Annexure P-1) passed by learned Additional Civil Judge (Sr. Division), Jagraon, in case bearing No.CS-690-2023 titled as '*Darshanjit Singh Vs. Manpreet Kaur and Others*', whereby an application under Order VII Rule 11 CPC for rejection of the plaint, filed by the petitioner, has been dismissed.

2. Brief facts of the case are that the respondent No.1–plaintiff instituted a suit for declaration against the petitioner–defendant. The plaintiff (respondent No.1) claimed herself to be the owner in possession of the suit property and challenged the sale deed dated 30.12.2022, registered with the Sub Registrar, Jagraon, which was allegedly executed by her in favour of petitioner–defendant No.1 and respondent No.2–defendant No.2.



The plaintiff sought a declaration that the said sale deed is illegal, null and void, not binding upon her rights, and is liable to be set aside, being the result of fraud, misrepresentation, want of consideration and undue influence. Consequentially, mutation No.10049 sanctioned in favour of the petitioner–defendant No.1 and proforma respondent No.2 was also sought to be set aside. She further prayed for a decree of permanent injunction restraining the defendants from interfering with her peaceful possession over the suit property.

3. During the pendency of the suit, notice was issued to the petitioner–defendants. Thereafter, petitioner–Manpreet Kaur filed an application under **Order VII Rule 11 CPC** seeking rejection of the plaint, invoking the provisions of **Order XXXII Rule 3 CPC**. Reply was filed by the respondent–plaintiff. After hearing both the parties, the trial Court dismissed the said application vide order dated 07.01.2025, which is under challenge herein.

4. Learned counsel for the petitioner contended that the trial Court failed to consider the provisions of **Order XXXII Rule 3 CPC, 1908** while dismissing the application under Order VII Rule 11 CPC. It was urged that Order XXXII Rule 3 CPC mandates that in suits against minors or persons of unsound mind, a guardian for the suit is required to be appointed by the Court. Such application must be supported by an affidavit verifying that the proposed guardian has no adverse interest to that of the minor. According to the petitioner, the trial Court did not properly appreciate this requirement, and instead of allowing the application under Order VII Rule 11 CPC, wrongly dismissed it. Hence, it was prayed that the



order dated 07.01.2025 be set aside and the plaint of respondent–plaintiff be rejected.

5. On the contrary, learned counsel for the respondent argued that the trial Court, after due appreciation of rival contentions, had rightly dismissed the application. Order XXXII Rule 3 CPC provides for appointment of a guardian in suits involving minors, including the Punjab amendment requiring the plaintiff to furnish a list of relatives likely to act as guardian and empowering the Court to reject the plaint in case of default. Reliance was placed on the scheme of **Order XXXII Rule 3 CPC**, which is reproduced as under:

“Order XXXII – Suits by OR against Minors and persons of unsound mind -

1 xxx xxx

2 xxx xxx

3 Guardian for the suit to be appointed by Court for minor defendant -

(1) Where the defendant is a minor, the Court, on being satisfied of the fact of his minority, shall appoint a proper person to be guardian for the such for such minor.

(2) An order for the appointment of a guardian for the suit may be obtained upon application in the name and on behalf of the minor by the plaintiff.

(3) Such application shall be supported by an affidavit verifying the fact that the proposed guardian has no interest in the matters in controversy in the suit adverse to that of the minor and that each person proposed is a fit person to be so appointed.

xxxx xxxx xxxx

Punjab (notn No.95-G of 25-2-1925 and 566-G of 24-11-1927



– *Substitute the following sub rules (3), (4) (6) and (7) for sub-rules (3) and (4):-*

(3) The plaintiff shall file with his plaint a list of relatives of the minor and other persons, with their addresses, who prima facie are most likely to be capable of acting as guardian for the suit for a minor defendant. The list shall constitute an application by the plaintiff under sub rule (2) above.

(4) That Court may at any time after institution of the suit call upon the plaintiff to furnish such a list, and in default of compliance, may reject the plaint.

(5) Any application for the appointment of a guardian for the suit and any list furnished under the rule shall be supported by an affidavit verifying the fact that the proposed guardian has no interest in the matters in controversy in the suit adverse to that of the minor and that each person proposed is a fit person to be so appointed.

6. Coming to the facts of the present case, respondent No.1–plaintiff has challenged the sale deed dated 30.12.2022 executed by her in favour of petitioner–defendant No.1 and her minor son, Sehibpreet Singh Bhandal. It is apparent that the interest of minor Sehibpreet Singh Bhandal is already being represented and protected by his natural guardian–mother, petitioner Manpreet Kaur, since the impugned sale deed was jointly executed in their favour.

7. Further, in the impugned order dated 07.01.2025, the trial Court categorically recorded that the minor is being represented by his mother. The Court also observed that it would examine, as and when required, whether the guardian is acting in the welfare of the minor. The representation of the minor’s interest through his natural guardian already



stands ensured, and the plea raised under Order XXXII Rule 3 CPC has been rightly considered and rejected. Having recorded such findings, the trial Court rightly dismissed the application under Order VII Rule 11 CPC.

8. For the reasons recorded above, the present revision petition is found to be devoid of merit and is hereby **dismissed**, without commenting upon the merits of the main suit.

9. All pending application(s), if any, stand disposed of accordingly.

(AMARINDER SINGH GREWAL)
JUDGE

01.09.2025
Shubham

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No