



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

CR-3380-2025

Date of decision : 09.07.2025

Charanjeet

...Petitioner

Vs.

Iqbal Krishan Sapra and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Pankaj Bains, Advocate
for the petitioner.

ANIL KSHETARPAL, J. (Oral)

1. The petitioner (defendant) assails the correctness of concurrent orders passed by the Courts below while dismissing his application filed for rejection of the plaint at the threshold.
2. The plaintiffs (respondents) filed a suit for grant of decree of declaration, joint possession alongwith a consequential relief of permanent injunction. The prayer clause reads as under:-

"It is, therefore, prayed that a decree for declaration to the effect that the alleged oral wills allegedly executed by deceased Kashmiri Lal in favour of Jamna Devi and by Jamna Devi in favour of defendants no.1 to 3, 11 to 13 and Bachhittar Singh deceased son of Kashmiri Lal, now through LRs defendants no.4 to 7 in respect of the property left by deceased Kashmiri Lal and Jamna Devi mentioned in para no.2 of the plaint and their mutations and the alleged sale deeds and gift deeds and their mutations are illegal, null and void, ineffective, inoperative, nonest, fraudulent,



false and fake, fabricated, forged and not binding on the right of the plaintiffs and is liable to be set aside/ignored on the ground given in the plaint and the plaintiffs are owner of 1/8th share in equal shares in the suit land, along with a decree for joint possession of 1/8th share in equal shares from the suit land along with a decree for permanent injunction restraining the defendants from alienating the suit land through any mode of transfer, i.e. sale, mortgaged, lease, gift, relinquishment deed or in any other manner or changing the nature of the suit land either by extracting the earth from the same or raising any construction on the same, forcibly and illegally, be passed, with costs, in favour of the plaintiffs and against the defendants, in the interest of justice.

Any other relief to which the plaintiffs are found entitled to may also be granted."

3. The defendant filed an application under Order VII Rule 11 of the Code of Civil Procedure, 1908, to reject the plaint on the ground that the suit was filed beyond the prescribed period of limitation and *ad valorem* Court fee on the market value of the property has not been attached, which was dismissed by the Courts below.

4. Learned counsel representing the petitioner submits that Smt. Narinder Kaur, whose succession is in dispute, died in the year 1987, whereas, the suit was filed in the year 2017. He further contends that *ad valorem* Court fee has not been paid.

5. This Court has considered the submission made by the learned counsel representing the petitioner.

6. It is evident that the disputed property was proposed to be



acquired. High Court vide order dated 14.12.2016 excluded the land from acquisition. As per para 14 of the plaint, the cause of action to file the suit arose after judgment of the High Court, when defendants refused to admit the plaintiff's claim.

7. At the initial stage, the Court is required to examine the contents of the plaint. The plaintiffs, while filing the plaint, have categorically submitted that cause of action accrued in their favour after the High Court judgment was passed.

8. Rejection of the plaint at the threshold has very serious consequences and therefore, the enabling power to reject the plaint should be exercised with due care and caution.

9. With regard to objection of deficiency of Court fee, the plaintiff has only filed a suit for declaration based on succession. The plaintiffs are neither the executants of the sale deeds nor of the gift deeds. Moreover, the petitioner can request the Court for framing issues on both the aspects.

10. Keeping in view the aforesaid facts, no ground to interfere is made out.

11. Hence, revision petition is dismissed.

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

09.07.2025

neeraj

(ANIL KSHETARPAL)
JUDGE

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