

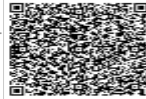
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****119****CR-4295-2025 (O&M)****Date of decision: 16.07.2025****Rajdeep****...Petitioner(s)****Vs.****Pratik (minor) and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Sagar Dangi and Mr. R.P.Dangi, Advocates
for the petitioner.

NIDHI GUPTA, J.

The present Revision Petition under Article 227 of the Constitution of India has been filed by defendant No.2 for setting aside the impugned order dated 05.05.2025 (Annexure P-3) whereby the learned Civil Judge (Junior Division), Rohtak dismissed the application filed by the petitioner under Order VII Rule 11 CPC.

2. It is submitted by learned counsel for the petitioner that the impugned order cannot be sustained as learned trial Court has failed to consider that the suit of the respondents/plaintiffs has been filed on the ground that the suit property is ancestral. However, no document has been annexed with the plaint which proves that the land was inherited by the petitioner/defendant through natural succession. It is submitted that merely claiming that the suit land was ancestral without any documentary support of natural succession is not sufficient to allege that suit property is



ancestral one and any cause of action arose in favour of the respondent/plaintiff. It is contended that the suit property is self acquired property of petitioner.

3. Ld. Counsel further submits that the Ld. Trial Court had not even asked for the reply of the respondent and dismissed the application filed by the petitioner under Order VII Rule 11 of CPC without considering the actual facts and circumstances of the case. It is submitted that from the above said all grounds, it is clear that the suit property is self acquired property of petitioner/defendant and the application filed by the petitioner for dismissal of the plaint filed by the respondents has been dismissed by the learned Lower Court without considering the above mentioned all the actual facts and circumstances of the case and the same is liable to be set aside.

4. No other argument is raised on behalf of the petitioner.

5. I have heard learned counsel for the petitioner/defendant No.2 and perused the case file in great detail. I find no merit in the submissions made on behalf of the petitioner.

6. Perusal of the record shows that the respondents/plaintiffs filed a suit dated 17.01.2025 (Annexure P-1) for declaration that the alleged Release Deed No. 397 dated 22.04.2022; and the Release Deed No. 1032 dated 28.04.2022; and subsequent Mutation No. 5209; and Deed No. 2111 dated 09.01.2023 and subsequent Mutation No. 14402, are illegal, null and void and not binding upon the rights of the plaintiffs and the plaintiffs are entitled to get their share in the ancestral property; and for permanent



injunction restraining the defendant from selling/alienating or mortgaging the agricultural land.

7. In the suit, petitioner filed an application dated 05.05.2025 under Order 7 Rule 11 CPC. Perusal of this application reveals that rejection of the plaint is sought on the ground that *“the suit property is ancestral one but no document has been annexed with the plaint which proves that the land was inherited by the defendants through natural succession.”*

8. It is established position in law that in an application under Order 7 Rule 11 CPC, only the plaint is to be considered. Even the written statement cannot be taken into account. Keeping in view the nature of the dispute, it is clear that evidence is required to be led in the matter. The ground on which the petitioner is seeking rejection of plaint is a mixed question of fact and law. Learned Trial Court has further noted that upon perusal of the plaint, a *prima facie* case is made out in favour of the plaintiffs/respondents. As such, I find no infirmity in the impugned order dated 05.05.2025 (Annexure P-3).

9. Accordingly, the Present Civil Revision stands **dismissed**.

10. Pending application, if any, stands disposed of.

16.07.2025

Divyanshi

(NIDHI GUPTA)
JUDGE

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