



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

CR No.7558 of 2024 (O&M)

Date of Order:09.01.2025

Sushma Rani and others

.Petitioners

Versus

Dharamvir Vats

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. D.S.Matya, Advocate, for the petitioners

ANIL KSHETARPAL, JUDGE (Oral)

1. This revision petition has been filed against the interlocutory order passed by the trial court on 04.12.2024, while dismissing the defendants' (petitioners) application under Order VII Rule 11 CPC, to reject the plaint at the threshold.

2. The plaintiff has filed a suit for grant of decree of permanent injunction restraining the defendants from interfering in his peaceful possession and from dispossessing him forcibly.

3. The defendants No.1 to 3 filed an application under Order VII Rule 11 CPC to reject the plaint on the ground that no cause of action has arisen to file the suit because the plaintiff had earlier filed a civil suit for declaration challenging the sale deed executed by him in favour of the petitioners, which was withdrawn on 19.09.2022.

4. The trial court dismissed the application on the ground that the plaintiff is seeking the relief of permanent injunction and the causes of action for both the suits are different

5. The learned counsel representing the petitioners has been heard at length. He has repeatedly stated that once the previous suit was



withdrawn by the plaintiff, new suit was not maintainable. He submits that the sale deed executed by the plaintiff in favour of the petitioners has become final.

6. This court has considered the submissions of the learned counsel representing the petitioners.

7. Order VII Rule 11 CPC enables the Court to reject the plaint at the threshold on various grounds enlisted therein. The petitioners want their case to be covered by Order VII Rule 11(a) CPC. The plaintiff while filing the injunction suit has claimed that he is in settled possession of the property and the defendants are threatening to forcibly dispossess him. On 30.09.2023, the defendants threatened the plaintiff for forcible dispossession which forced him to file the suit. The rejection of the plaint at the threshold can be ordered only when the Court is of the definite opinion that the cause of action to file the suit has not been disclosed. From the reading of paragraphs 5, 6 and 8 of the plaint, it is not possible to conclude that the plaintiff does not have cause of action. Moreover, the suit is pending. It is open to the defendants to contest the suit by taking all objections.

7. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

8. Dismissed.

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

(ANIL KSHETARPAL)
JUDGE

January 09, 2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No