

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****122****CR-9424-2025 (O&M)****Date of decision: 23.12.2025****M/s. JSS Innovation India****...Petitioner(s)****Vs.****M/s. Interlinks Overseas Pvt. Ltd.****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Rajnish K.Gupta, Advocate
for the petitioner.

*********NIDHI GUPTA, J.**

Present Civil Revision Petition under Article 227 of Constitution of India has been filed by the tenant seeking setting aside of the order dated 19.11.2025 (Annexure P-9) passed by the Id. Civil Judge (Junior Division), Gurugram; whereby application filed by the petitioner under Order 7 Rule 11 read with Section 151 CPC, has been dismissed.

2. Brief facts of the case are that the respondent-landlord had filed Ejectment Petition dated 16.11.2024 (Anexure P-5) under Section 13 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 (hereinafter referred to as "the Act"). In the said Rent Petition, petitioner had moved instant application under Order 7 Rule 11 read with Section 151 CPC on 28.07.2025 (Annexure P-6). The respondent-landlord had filed reply dated 04.09.2025 (Annexure P-8) to the above said application filed by the petitioner. The petitioner has also filed written



statement dated 28.10.2025 (Annexure P-7) to the main Ejectment Petition. Vide the impugned order dated 19.11.2025 (Annexure P-9), application of the petitioner has been dismissed.

2. It is *inter alia* submitted by learned counsel for the petitioner that the learned Rent Controller was in patent error in dismissing application of the petitioner filed under Order 7 Rule 11 read with Section 151 CPC as it failed to appreciate that the Rent Petition filed by the respondent-landlord was not maintainable; *in-as-much* as the petitioner has already vacated the demised premises on 06.09.2024, whereas the Rent Petition was filed by the respondent on 16.11.2024. Thus, as the petitioner has already vacated the demised premises, therefore, there was no ground or occasion for the respondent to prefer the Rent Petition.

3. It is further submitted that the Rent Petition of the respondent was even otherwise not maintainable as the tenanted premises are of Commercial Nature; thus, the present petition is directly hit by Section 6 of the Commercial Courts Act, 2015. However, the Id. Rent Controller has failed to appreciate these facts while passing the impugned order.

4. It is accordingly prayed that the Revision Petition be allowed; and the impugned order dated 19.11.2025 be set aside.

5. No other argument is raised on behalf of learned counsel for the petitioner. I have heard learned counsel and perused the case file in



detail. I find no merit in the submissions advanced on behalf of the petitioner.

6. Needless to say, the grounds raised by the petitioner are matter of evidence and cannot be adjudicated upon in an application under Order 7 Rule 11 read with Section 151 CPC; wherein only the averments made in the plaint are required to be considered. Whether or not the petitioner has vacated the tenanted premises; and whether the Rent Petition of the respondent is maintainable or not; are questions of facts and evidence, which can only be determined by the Rent Controller after leading of evidence and advancement of arguments on behalf of both the parties. Moreover, perusal of the record shows that the respondent in his reply (Annexure P-8) filed to the instant application, has denied to the above said assertions made by the petitioner. Clearly therefore, the said matter requires consideration and cannot be disposed of summarily in a proceeding under Order 7 Rule 11 CPC. From the facts as noted above, it would appear that the petitioner has preferred the instant application only to delay the proceedings.

7. Moreover, it is established position in law that in an application under Order VII Rule 11 CPC, only the averments made in the plaint can be seen. The Hon'ble Supreme Court in numerous judgments including ***Eldeco Housing and Industries Ltd. vs. Ashok Vidyarthi and others***, ***Law Finder Doc ID # 2406865***, has repeatedly held that no evidence or merits of the controversy can be examined at the stage of deciding rejection of a plaint in an application under Order VII Rule 11



CPC; and that only the averments made in the plaint would be relevant for invoking Order VII Rule CPC. Again, in ***Kamala and others vs. K.T. Eshwara Sa & Others, (2008) 12 SCC 661, Law Finder Doc Id # 143844,*** the Hon'ble Supreme Court opined that for invoking Order VII Rule 11 CPC, only the averments in the plaint would be relevant. For this purpose, there cannot be any addition or subtraction. No amount of evidence can be looked into. Reference may also be made to three-Judge Bench judgment of Hon'ble Supreme Court in ***"Srihari Hanumandas Totala Vs. Hemant Vithal Kamat & Others"*** Law Finder Doc ID # **1865777**, wherein it has been held that *"...In order to reject a plaint for the suit being barred by any law under Order 7 Rule 11(d), the court needs to be guided by the averments in the plaint and not the defence taken."* It has been categorically held that the grounds taken by the defendant as defence cannot be taken into account while rejecting a plaint under Order 7 Rule 11 CPC.

8. The relevant findings of the learned Rent Controller as contained in paras 6, 7 and 8 of the impugned order dated 19.11.2025 read as under:-

"6. The Haryana Urban (Control of Rent and Eviction) Act, 1973 is a special statute which creates a special forum and confers exclusive jurisdiction upon the Rent Controller to adjudicate disputes between landlord and tenant. The relationship of landlord and tenant is specifically pleaded in the petition, and jurisdiction squarely vests in this Court by virtue of the Rent Act. The present petition is governed



entirely by Section 13 of the Rent Act and not by the Civil Court or Commercial Court framework.

*7. The further contention of the respondent that the dispute is a commercial dispute because the premises was used for office purposes is also untenable. Eviction and rent recovery disputes arising out of the relationship of landlord and tenant, whether residential or commercial premises are involved, do not fall within the ambit of Section 2(1)(c) of the Commercial Courts Act. The category under Section 2(1)(c) (viii) relating to agreements concerning immovable property used exclusively in trade and commerce refers to commercial transactions such as development agreements, construction contracts, and commercial contracts relating to immovable property, not to statutory eviction proceedings under the Rent Act. The learned counsel for the applicant/respondent has also relied on "**Ambalal Sarabhai Enterprises Ltd. Vs. K.S. Infraspace Lip (AIRONLINE 2019 SC 1170)**". I have carefully gone through the above-mentioned judgment. The above-mentioned citation does not apply to the present proceedings as it relates with the Commercial Court Act only, and has no connection with the Haryana Urban Rent Control Act, nor has it any nexus with the Rent Act.*

8. Section 6 of the Commercial Courts Act does not create any bar on the institution or continuance of eviction petitions under the Rent Act. It only allocates jurisdiction for commercial disputes of a specified value. The statutory mechanism for eviction under Section 13 of the Rent Act remains unaffected."

9. I am in complete agreement with the above view taken by the learned Rent Controller. As such, I find no ground is made out to



interfere in the impugned order dated 19.11.2025 passed by learned Civil Judge (Junior Division), Gurugram. The present Civil Revision Petition is accordingly **dismissed**.

10. Pending application(s), if any, also stand(s) disposed of.

23.12.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

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