



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

CR-729-2025 (O&M)

Date of Decision: March 24, 2026

Gram Panchayat Vill. Chuliana, Tehsil Sampla, District Rohtak through its
Sarpanch

...Petitioner

Versus

Surajmal and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

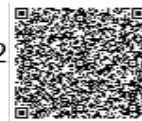
Present: Mr.Lekh Raj Nandal, Advocate
for the petitioner.

ARCHANA PURI, J.

Challenge in the present revision petition is to the order dated
04.11.2024 passed by learned trial Court, whereby, an application under
Order 7 Rule 11 CPC, filed at the instance of the petitioner (who is
defendant No.1 before learned trial Court), was dismissed.

The essential facts, to be noticed, are as follows:-

That, the plaintiffs-respondents No.1 to 6 had filed a suit for
declaration to the effect that they together with proforma defendants are
exclusive owners in possession of the agricultural land measuring 10 Kanal
16 Marla, as detailed in the headnote of the plaint, copy whereof is
Annexure P-1 and also sought that they are entitled to get their names
entered in column of ownership of jamabandi and other revenue record, on



the basis of the proprietary rights, having vested in the plaintiffs and proforma defendants, in view of Section 3 of the Punjab Occupancy Tenants (Vesting of Proprietary Rights) Act, 1952 (Punjab Act No.8 of 1953).

In pursuance of the notice issued, defendant No.1 (petitioner herein) made appearance and filed written statement, wherein, it was asserted that the suit property was owned and possessed by the Gram Panchayat (petitioner-defendant No.1). If any entries in the jamabandis regarding the suit land are in the name of Shera and other persons, they are false and frivolous. It was denied that the plaintiffs-respondents No.1 to 6 are in possession of the suit land for more than 30 years, as asserted in the plaint and that they had acquired the rights and status of an occupancy tenant of the suit land, as alleged. In the written statement, also reference was made to the orders passed by Revenue Courts and also filing of CWP-2831-1994 and the same having been dismissed vide order dated 16.12.2013.

During the pendency of the said suit, an application under Order 7 Rule 11 CPC was filed. Paragraphs No.3 and 4 of the application, are reproduced in verbatim, as herein given:-

“3. That the father of the plaintiffs namely Ram Singh and Banwari Lal S/o Sher Singh had been ejected from the suit land by the revenue Court i.e. A.C. 1st Grade, Rohtak and the appeal of the said Ram Singh and Banwari was also dismissed by the Appellate Court i.e. Collector, Rohtak by way of order dated 30-08-1993. After that the above said Ram Singh Banwari Lal also filed CWP No. 2831 of 1994 and the same was dismissed by way of order dated 16-12-2013. So the present suit is



barred by law.

4. *That the present suit is apparently barred by law and the plaint of the suit is liable to be rejected as provided U/o 7 Rule 11 CPC.”*

However, reply to the said application was filed and therein, it was stated that the order passed by the Revenue Court dated 30.08.1993 and order dated 16.12.1993 passed by this Court, do not relate to the same property. The suit property is not identical. In fact, it is stated that in the aforesaid litigation, the suit land was to the extent of 7 Kanal 4 Marla, whereas, in the instant manner, the suit is measuring 10 Kanal 16 Marla. Moreover, it was asserted that the plaintiffs have claimed ownership of the suit land, in view of the provisions, as contemplated in Punjab Occupancy Tenants (Vesting of Proprietary Rights) Act, 1952 and the provisions of the said Act, are fully applicable to the facts of the present manner and therefore, they are likely to be declared as owners of the suit land.

After hearing counsel for the parties, vide impugned order dated 04.11.2024, the said application was dismissed.

Being aggrieved, the petitioner-defendant No.1 has filed the revision petition in hand.

However, taking into consideration the contents of the plaint, copy whereof is coming on record, as well as the contents of the application under Order 7 Rule 11 CPC, this Court deems it appropriate to decide the revision petition, without issuance of notice to the respondents.

It is settled position of law that a plaint cannot be rejected, on the basis of the acquisitions made by the defendant, in the written statement

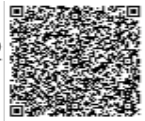


or in the application for rejection of the plaint. The Court has to read the entire plaint, as a whole, to find out, as to whether, it discloses the cause of action and to find out, whether the contents as stated therein, are covered by any clauses of Order 7 Rule 11 CPC. The assertion made in the application, is with regard to the suit, being barred. However, in the plaint, there is no mention made about the earlier litigation.

That being so, the contents of the written statement or of the application for rejection of the plaint has been correctly held by learned trial Court, to be not to be taken into consideration. Even, it is evident that the litigation between the parties, was decided by the Revenue Court, relating to the land measuring 7 Kanal 4 Marla, whereas, the suit in hand, relates to land measuring 10 Kanal 16 Marla, whereby, the plaintiffs-respondents are claiming ownership over the suit land, for occupying the same, for the last 30 years, under the Punjab Occupancy Tenants (Vesting of Proprietary Rights) Act, 1952 (Punjab Act No.8 of 1953).

The claim with regard to the ownership, as now asserted, on the basis of the possession, can only be ascertained, during the course of trial of the case, more particularly, when there is nothing specific coming forth, with regard to the revenue record, having produced and the ownership of defendant No.1, being categorically reflected of the land measuring 10 Kanal 16 Marla, which forms the basis of the suit. Even if the order, as such, was passed in favour of defendant No.1, about 30 years back, whether any steps, have been taken by the plaintiffs, as such, is also not spelt out from the contents of the plaint.

Considering the same, at this stage, it is too early to adjudicate



CR-729-2025

-5-

about the rights of the plaintiffs, on the basis of the contents of the plaint. As such, learned trial Court has very correctly dismissed the application for rejection of the plaint, as sought for.

Hence, the impugned order brooks no interference, by invoking the revisional jurisdiction of this Court. Thus, the revision petition is hereby dismissed.

March 24, 2026
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No