

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CR-2590-2025 (O&M)****Date of Decision : 03.02.2026**

Chirag Malik and Another

... Petitioners

Versus

Satpal and Another

... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Jaskaran Singh, Advocate for the petitioners.

ALKA SARIN, J. (Oral)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 14.01.2025 dismissing the application filed by the defendant Nos.1 and 2 (petitioners herein) under Order VII Rule 11 read with Section 151 of the Code of Civil Procedure, 1908.

2. The brief facts relevant to the present *lis* are that the plaintiff-respondent No.1 herein filed a suit for permanent injunction for restraining the defendants i.e. petitioners and proforma respondent No.2 from interfering in his peaceful possession and from dispossessing him from the plot in question. It was averred in the plaint that the plaintiff-respondent No.1 after purchasing the plot had started raising construction on it and had raised the construction upto the DPC level. Thereafter, defendant Nos.1 and 2 (petitioners herein), 15 days prior to the filing of the suit, came to the spot and threatened to dismantle the DPC and falsely claimed their right over the said plot on the basis of false, frivolous and forged documents. An application was

filed by defendant Nos.1 and 2 (petitioners herein) for rejection of the plaint averring therein that the plaintiff-respondent No.1 had claimed to have purchased the said plot vide agreement to sell dated 28.10.2024 from a registered owner through Satnam Singh, who claimed to be the power of attorney of defendant No.3 (respondent No.2 herein) and the power of attorney was registered in the office of Sub Registrar, Himachal Pradesh, which created a serious doubt and suspicion regarding its authenticity. It was further the ground taken that the document was unregistered and plaintiff-respondent No.1 was claiming possession on the basis of an unregistered document. Various other grounds were also raised. Reply was filed to the said application. Vide the impugned order the application has been dismissed. Hence, the present revision petition.

3. Learned counsel for the petitioners would contend that para 6 of the plaint itself reveals that the plaintiff-respondent No.1 was aware that there is a document of sale in favour of defendant Nos.1 and 2 (petitioners herein) and therefore no ground is made out to entertain the suit.

4. Heard.

5. In the present case the suit is for simpliciter permanent injunction. Only the possession of plaintiff-respondent No.1 needs to be seen. The plaintiff-respondent No.1 has categorically stated that he is in possession of the suit property and defendant Nos.1 and 2 (petitioners herein) are trying to interfere in his possession. The argument of learned counsel for the petitioners that since plaintiff-respondent No.1 seems to be aware of the sale deed in favour of defendant Nos.1 and 2 (petitioners herein) therefore the suit ought to have been dismissed, deserves to be rejected. It is trite that at the time of contesting the application under Order VII Rule 11 CPC only the contents

of the plaint are to be seen and not those of the application under Order VII Rule 11 CPC or any other pleadings.

6. In the case of **Chhotanben & Anr. vs Kiritbhai Jalkrushnabhai Thakkar & Ors. [2018 (5) RCR (Civil) 163]** the Hon'ble Supreme Court held as under :

“12. What is relevant for answering the matter in issue in the context of the application under Order VII Rule 11(d), is to examine the averments in the plaint. The plaint is required to be read as a whole. The defence available to the defendants or the plea taken by them in the written statement or any application filed by them, cannot be the basis to decide the application under Order VII Rule 11(d). Only the averments in the plaint are germane. It is common ground that the registered sale deed is dated 18th October, 1996. The limitation to challenge the registered sale deed ordinarily would start running from the date on which the sale deed was registered. However, the specific case of the appellants (plaintiffs) is that until 2013 they had no knowledge whatsoever regarding execution of such sale deed by their brothers - original defendant Nos.1 & 2, in favour of Jaikrishnabhai Prabhudas Thakkar or defendant Nos.3 to 6. They acquired that knowledge on 26.12.2012 and immediately took steps to obtain a certified copy of the registered sale deed and on receipt thereof they realised the fraud played on them by their brothers concerning the ancestral property and two days prior to the filing of the suit, had approached their brothers

(original defendant Nos.1 & 2) calling upon them to stop interfering with their possession and to partition the property and provide exclusive possession of half (1/2) portion of the land so designated towards their share. However, when they realized that the original defendant Nos.1 & 2 would not pay any heed to their request, they had no other option but to approach the court of law and filed the subject suit within two days therefrom. According to the appellants, the suit has been filed within time after acquiring the knowledge about the execution of the registered sale deed. In this context, the Trial Court opined that it was a triable issue and declined to accept the application filed by respondent No.1 (defendant No.5) for rejection of the plaint under Order VII Rule 11(d). That view commends to us.”

7. Further Hon’ble Supreme Court in case of **H.S. Deekshit & Anr. vs. M/s Metropoli Overseas Limited & Ors. [2022 (4) RCR (Civil) 275]** has held as under :

“It is well-settled that while considering an application under Order 7, Rule 11 of the code, the averments in the plaint alone are to be examined and no other extraneous factor can be taken into consideration. On the basis of averments made by the plaintiffs in the suit as mentioned above, we find that it is disputed question of fact as to whether the Agreement to Sell, the Power of Attorney and the Sale Deeds are forged and fabricated documents. Such questions are required to be decided on the basis of evidence to be led by the parties. We do find that the

forgery pleaded cannot be a ground for rejection of the plaint.”

8. Learned counsel for the petitioners during the course of arguments has sought to refer to the sale deed in favour of the petitioners, reply to the application under Order VII Rule 11 CPC, the General Power of Attorney, which has been placed on record. It is trite that while deciding an application under Order VII Rule 11 CPC the Court cannot travel beyond the contents of the plaint. On being repeatedly asked to make out his case from the plaint itself, learned counsel for the petitioners has only argued that from para 6 of the plaint it is evident that plaintiff-respondent No.1 was in the knowledge of the sale deed hence the suit ought to have been rejected. On a meaningful reading of the plaint, it cannot be said that no case is made out. The suit is for simpliciter injunction and only possession of the plaintiff-respondent No.1 needs to be seen. There is a categoric averment that the plaintiff-respondent No.1 is in possession of the suit property. In view thereof, no fault can be found with the impugned order.

9. In view of the above, present revision petition, being devoid of any merit, is accordingly dismissed. Pending applications, if any, also stand disposed off.

03.02.2026
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO